THE MOUNTAINEER.

"DO WHAT IS RIGHT, LET THE CONSEQUENCE FOLLOW!"

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THE

MOUNTAINEER

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Original Poetry.

THE TRIUMPH OF TRUTH.

"*Truth shall spring forth out of the earth!*"—Psalm lxxxv. 11.

"*Thy word is truth.*"—John xvii. 17.

"*Truth is mighty and will prevail!*"—President H. C. Kimball's History.

Embedded in yon towering mountain's side,
Beneath the line of everlasting snow,
A huge rude mass of rock its hoary head
Uprear'd; as though the Titans, in a jocund
Mood, had placed it there, (a feat of strength,)
To mark their era to the end of time!
A many thousand years had passed away,
And annual solar power had changed
The crystal snow,—had bid it trickle down
In ready drops, till, deeply worn and scarred,
That rock to man appeared!
Across its front
The lightning stroke had passed, and left thereon
Its black, unfading seal.
Tempest and storm
Had roared around its head, while at its base
The waves had madly surged!
The earth had ope'd
Its mouth and belched forth fire and smoke,
The mountains rocked as forest trees, before
The dread simoon.
Successive generations
Of the human race had sprung to life, had played
Their part, and passed away.
There, yet that rock
Remained, unmoved and firm!
Tempest and time,
With earthquake's [illegible], had all
Been used, in vain; defiant there and grim,
It seemed to challenge all the universe
And God.
But from that mountain's loftiest
Snow-capped peak, a solitary drop
Once forced its way, it passed around, beneath.
The huge, the mighty mass, and still one more,
And then the drops increased till, breaking from
The mountain's base, a trifling rill appeared;
Sapped the foundation of that hoary rock
And hurled it till ten thousand fragments
Strewed the distant plain!
The rill exhaled,
Now glistens in the rainbow's gorgeous hue,
The bow of promise; type of the future
Pledge of times to come!
'Tis so in life, with man, though error
Rear its hoary head, the centuries sweep
Along, and hardly scathe its front, or shake
Its lordly base; the sun of priesthood, truth,
From Heaven in precious drops distills,
The stream breaks forth; the mountain reels and totters
To its destined fall!
Then truth shall spring again
To Heaven, its mission filled, man to the Gods
Relinked; yes! Truth is mighty—Truth shall soon prevail!
N.

G. S. L. City, Feb. 22, 1861.

Selections.

EXTRACT FROM A SPEECH BY HON. WILLIAM BIGLER,

IN THE U. S. SENATE, JANUARY 21, 1861.

Sir,—I do not wish to be understood as an advocate for African slavery. I am not; but I cannot see the cruelty or the political or moral evil in it that men on the other side attribute to it. They do not intend to give the negro political equality in this country. They will not dare say they do; nor do they intend him to have social equality. What then remains to him? Physical existence, and nothing else. Such liberty is a delusion and a fraud— the word of promise to the ear, to be broken to the hope. Suppose the propositions were submitted, at points in the North, where large numbers of free negroes are found, to appoint respectable and responsible white men as guardians for each family, to direct their physical efforts for an animal existence; to see that their labor was properly directed, so that their earnings might be applied to the use of the family, to take care of the aged, and feed and clothe the young; would that be a very cruel proposition? Certainly not; and yet, stripped of occasional abuses of the institution by the violent separation of families, and the recognition of an unpleasant principle, and this is about all there is in the institution of slavery in the South. It is the application of a superior intellectual ability to direct the muscular efforts of these men to secure subsistence.

But in God's name, if this agitation is to go on, if a party in one section of the country is to be organized and derived its vital spark of existence from this agitation, let us know what is to be accomplished; what good end is to result from it; what is to be done for the white or black man by it? In what possible way is the condition of either to be improved? Would you make the slaves free men? Unless you mean this you mean nothing. If free men, how, when and where? You acknowledge the restrictions of the Constitution as to the slave States. But suppose this was removed, and the southern people were to say, here are our slaves; we set them free; they must be clothed and fed; come and take them; then what would you do? Nothing, gentlemen, absolutely nothing. The most abolitionized State in the Union would not agree to receive her quota of slaves in order to give them freedom. They could not be brought North; and if such a thing were possible, every sane man must know that their condition would be infinitely worse. They would not only be slaves, but miserable, starving, degraded slaves. As was well remarked by the Senator from Virginia the other day, in tracing the consequences of war between the two sections, and justly denying the right and possibility of subduing the South, if you had the South subdued, what would you do with the slaves? He said, as I say, you would have to retain them there; and if the South were conquered provinces of the North, the institution of slavery would have to be maintained and the right of property in slaves recognized. What a hazard we are running, then, Mr. President, for an idle abstraction or a vain delusion.

I have no pleasure, sir, in this kind of talk. As God is my judge, my heart is not in it at all. I am in no spirit of crimination. I stand between the extremes here of the North and the South, getting but little countenance or sympathy from either side. But I stand for my country, for the Union of these States, for the cause of justice and humanity, for the right, for duty and fidelity on all hands, and against a fratricidal war at all times and in every contingency.

I have already said that I do not hold southern men blameless on this subject. They have indulged a spirit of recrimination and retaliation toward the North neither wise nor philosophical; and it cannot be denied that a vexatious system of espionage has been kept up in some southern states as to northern men visiting that region, and in some instances cruel and condign punishment inflicted upon them in a manner disgraceful to the age, and well calculated to provoke aggressions and hostility. They have, in addition, been unnecessarily sensitive and exacting on unimportant points, and at times have left the impression that nothing that the northern people could do or say would relieve their apprehensions or assuage their feelings. As for secession, I am utterly against it. I deny the right, and I abhor the consequences; but I shall indulge in no argument on that point. It is no remedy for any one of the evils lamented; and in my judgment, it will aggravate rather than remove them; and, in addition, superinduce countless others of a more distressing and destructive character. "It were wiser to bear the ills we have than fly to others we know not of." Will dissolution arrest aggressions upon the rights of the South? Will it extend the area of their peculiar institutions? Will it break up the machinations of those who conspire to carry off slave property? Will it assuage the popular feeling in the North as to slavery? Will it give additional security to the holders of slaves? and will it prevent insurrection? In my judgment, it will do none of these things. Nor can it by any possibility improve the material interests of either section of the Union; and I do not intend to dwell upon the question of material interests in considering the value of the Union. If we could have two republics of equal size, and live in harmony and unrestrained commercial and political intercourse, the national growth might not be seriously affected. But would this revolution stop with two republics; and can peaceful relations be maintained? Both is possible; but neither the one nor the other is probable. If once disruption becomes permanent, the history of the world would seem to teach that subdivisions would follow until the American Union would be divided into a score or more of petty, wrangling, and demoralized republics, exciting only the pity and contempt of the world.

Acknowledging the justice of the complaints of the southern States to no inconsiderable extent, I deprecate with all my heart the remedy they pursue, and am prepared to resist it by all proper and peaceful means in my power. Even if the right of secession were clear, Mr. President, I maintain that justice and good faith to the other states require that redress for alleged grievances to the South should first be sought at the hands of the people, the fountain of political authority, and in the forms prescribed in the Constitution. The Southern States should have petitioned Congress for a convention of States to revise the Constitution and remove the grievances of which they complain. In this way they could have ascertained the real sentiments and intentions of the northern people towards them, and the great alternatives of continued Union or peaceful separation could have been determined upon. This was the course of our fathers in reference to the old confederation, which was intended to be perpetual, but was changed because it did not answer the purpose for which it was created. Let our southern friends follow this example, even at this late day, and all may be yet saved. Better counsels will prevail in such a body than in Congress. Men will come fresh from the people, unembarrassed by party politics and party platforms. This refused by the North, and then, and not till then, could violent remedies with any show of justice be invoked. The Constitution was intended to meet just such exigencies as now surround us; and hence, no provision was made for the separation of the states, and none for the coercion of states into obedience to the fundamental law of the Union. The men who made the Constitution were in the practice of that peaceful remedy at the time, and doubtless intended to leave the same remedy, and none other, to posterity. This remedy should still be embraced, unless Congress should promptly submit to the states some measure of pacification and re-union.

No one pretends that the right of secession is given in the Constitution; and no one can seriously pretend that, if practiced by a State, the act is not, to some extent, a violent one, and in derogation of the rights and interests of the other States. The right or wrong of it in the estimation of the world, like the right or wrong of revolution, must depend in no inconsiderable degree upon the sufficiency or insufficiency of the reasons that induced it, and the consequences resulting therefrom. I think the reasons insufficient, and the remedy not only futile, but unjust to others. I deplore it, I deprecate the movement with all my heart; and I would be willing to wield any proper power in the Government, any peaceful means, to arrest the movement, so that men might be induced to look before they leap. But it is said, on the other side, that the authority of the Government of the United States must be vindicated; that rebellion, sedition, and insurrection must be put down, the Union saved, and the laws executed at all hazards. On these points, and as to the duty and powers of the Government, I concur mainly in what was said by the Senator from Illinois. No man denies that the laws should be executed; but if the people of a sovereign State, by a common voice, and in authoritative form, threw off their allegiance to the Federal Government, and acknowledged another, how are you to execute the laws within such a State, or carry out any one of the functions of the Federal Government? To execute the laws, suppress insurrection, and put down rebellion, is a nice theory, and pleasant talk; but will gentlemen tell us how it can be done against the united voice of a sovereign State? When the people have thrown off their allegiance to the general Government, and acknowledge only that of the State, the Federal Government may command the citizen to do one thing, but his allegiance to the State would require him to do another, and so he is bound hand and foot. You cannot carry mails, hold courts, nor collect revenue with the army, even if you had a large one; but with all the army this Government has at present, such a work would be idle. What then? Shall we recognize the States now claiming to be out of the Union as *de facto* Governments, and wage war against them, to regain the jurisdiction of the United States within their respective limits?

Before we do this, let us look at the fearful alternatives. Such a war would not involve a contest with five States only, but with twelve or fifteen. He is a madman who closes his eyes to this fact. However much the border States may deprecate the action of the cotton States, and however bitterly they may lament that action and denounce it, if you please, they have, with scarce an exception, declared secession to be the right of any State and no war shall be made on a sister State, for the exercise of that right, however unwise that exercise may seem.—Then, sir, it would be a war with fifteen States on one side and eighteen on the other. Let Senators who talk of war study the picture! Nothing in all the sad consequences of dissolution can be so blasting and horrible, as such a war, even though it presented the hope of re-establishing the Union. But how fallacious and delusive must be the idea of union through such means! It involves the practice of disunion of the most fatal type. Let war once commence, and the Union is gone forever. What would be the purpose of the war? It must either be to chastise the offending States, to gratify feelings of hostility against them, to vindicate the honor and dignity of the Government, or re-construct the Union; but it would fail to accomplish the one or the other. What good end then will it subserve to shed the blood of our race and kindred, who separate from us politically, because they have believed they were not treated as equals? States cannot be brought back into the Union, or kept in the Union by the sword. It is impossible. Ours is a Government of consent, and must be sustained by good will and fraternal affection. By what earthly means can you compel a sovereign State to perform the functions of a member of this Confederacy against her will? Can you make her citizens hold office? Can you make them regard your laws? Can you compel them to elect members of Congress, and can members of Congress be forced to serve? Can you collect revenues or taxes where no man will perform the office of tax-gatherer? It is idle. I say, therefore, that coercion is a mere phrase, sheer delusion. The idea of thirty-three States, that failed to live in fraternal union, being reunited by a long and bloody war, is startling. No, sir, this never can be. And in saying this, I do not mean to say that I would not force all the States to remain, if I believed it possible; for no greater service could be rendered them.

In my opinion, secession is the worst possible remedy for the evils complained of by the southern States, and coercion the maddest of all the remedies suggested for secession. The States ought to live in fraternal bonds; but if they will not, shall one-half put the other to the sword? Such a war would be one of extermination. Neither side could ever conquer, and if the northern States could conquer what would they do with the southern States as provinces? The Senator from Virginia met that point the other day so completely that I need not discuss it. But God forbid that war should ever begin! I am against it. I am for peace; and I am ready to grant anything in reason to reconcile the discontented States and the offended people. I am ready to implore them to remain in the Union. I am ready to fight for their constitutional rights to the last hour; but to shed a brother's blood in a fratricidal war, I shall be ready—never! never!

But still I have an abiding faith that the nation can be saved; not by mere hosannas to the Union, though I like them exceedingly. It will require works as well as faith. When Rome was in the full tide of her decline, it was the boast of the Romans that while the Colliseum stands, Rome will stand. The boast was vain; for "time's effacing finger" ever points to the fallacy of the expectation.—The humbled pride and departed grandeur of the once mistress of the world are a fitting commentary upon worldly ambition. Still, the American boast, that while the Union stands, America will stand, is far more wise and rational. But means must be used. Then, boasts may be indulged. The adoption of the resolutions of the Senator from Kentucky, by the vote of all parties in Congress, would at once give assurance of re-union and continued union, and would be the voice of peace and good will throughout the land. What a blessed message it would be to go trembling over the wires from State to State, from city to city, from town to town, hill to valley, and from house to house, throughout this broad land; and how many hearts would impulsively thank God for his mercies! Our Government is too young to end now. Comparatively speaking, it is in its infancy. It has not seen the years of a very old man; and there are still alive who lived before its independence. Can it be that its existence is to be so limited, so fleeting? a sky-rocket among the nations, to rise and shine for a brief period, and then sink to rise no more? I do not believe this. God has more in store for America than this. It required the Roman empire about five hundred years to reach the climax of its greatness, and about an equal period to decline and fall. Babylon had existed [illegible] centuries when the mysterious [illegible] the time of its downfall was at hand. The Athenian Government existed more than twelve times the period which ours has been in existence. The English Government has seen over six centuries since the days of Magna Charta; the American Union has not seen one. Could it now be saved and reconstructed, as far as broken, might we not hope that its foundations were to be deeper and firmer than ever; that the ordeal through which it is now passing would root its foundations more effectively and completely in the affections of the people?

But Senators talk of war; and it disturbs no man's nerves that widely separated States and communities should do so. The men of the arctic regions of the United States, away up in Maine and Vermont and Massachusetts, can shake their gory locks at those inhabiting a neck of land in the tropics of America, known as Florida; and the Floridians, in turn, may manifest a belligerent design. Such a fight will be bloodless; but it will be far otherwise with the free and slave States, bordering on each other, should that be the line of division. They will be within striking distance, and to them this war will be no idle bravado. It will be a matter of life and death. Look at the position of my own glorious State. No broad river, or high mountain, or deep chasm, or high wall, divides her from the slave-holding States. From the waters of the Ohio to those of the Delaware, her broad side lies nestling close up against the sides of her slaveholding sisters. First, on the west, comes Virginia, then Maryland, and then, full up in her generous bosom, rests her little sister Delaware, with the heads of both reclining on the banks of the river where, at the same moment, the rays of the morning sun may kiss the brow of both. For four hundred miles, from the Ohio to the Delaware, her south side reclines against the north side of slaveholding States; mountain to mountain, hill to hill, valley to valley, farm to farm, neighborhood to neighborhood, brother to brother, sister to sister, hand to hand, and heart to heart. The line has been, to fraternal citizens on either side, imaginary; they have passed from the North to the South, and from the South to the North, without even a thought that it marked the beginning of a people strangers to each other, much less aliens and enemies. All along this line there has been marrying and giving in marriage. The sons of Virginia have married the daughters of Pennsylvania, and the sons of Pennsylvania have married the daughters of Virginia, and so it has been with Maryland and Delaware. That line is sanctified by all the ties that can endear men to each other—political and commercial ties; ties of interest and custom; ties of consanguinity and affection.

Great God! Are all these to be severed? Is this line to mark the boundaries of enemies? Impossible! Humanity and justice forbid it. Pennsylvania will never become the enemy of Virginia. Pennsylvania will never draw the sword on Virginia; and she is no less affectionate to her other sisters. In good faith she has performed her part in peace and in war. For many long years she has endeavored to stay the tide of disaffection and alienation between the two sections. She has been truly the keystone of the Federal arch, and the bulwark of the rights of her sisters. Like some mighty peninsula between two heaving seas, she has resisted and rolled back the waves of discord and strife; but alas! the waves have risen higher and higher, and she is quite submerged, until her counsels of peace are powerless.

For myself, I have but a few days longer to serve here, when I shall return to share her fate. She is my mother and I love her with filial affection. She has made me what little I am; and though at times she has cherished and caressed, and then frowned—whether smiling or frowning—I love her still. Frowning though last she has been, she is just and generous; —and come what may—peace or war, weal or woe—her cause will be my cause. I say to her in this presence, in the touching language of ineffable love: "Whither thou goest I will go; where thou lodgest I will lodge; thy people shall be my people; and thy God my God."

A MELANCHOLY SIGHT—A WRECK.

Passing along the street our eye fell on a man sitting in front of a groggery. His countenance seemed familiar, and we turned toward him for a moment, but seeing who he was, we instinctively turned away, in the hope that we might spare his feelings. This person we often met a few years ago. He was then a young man in active business, with fine prospects ahead. He was a member of the church, and, so far as we could judge, his way was open to usefulness and honor. But, alas! how is he fallen! "How is the gold become dim! How is the most fine gold changed!" We saw him, who might have sat among the elders of the land, a poor, stupified, besotted drunkard. His face was covered with those signals of distress that proclaim a shipwreck of all character and happiness—a shipwreck infinitely more sad to behold than when one stands on the beach to witness a majestic vessel, laden with the wealth of India or China, dashed into pieces upon the rocks. We could have wept at the sight. How mournful the fact, that proud and noble Philadelphia can furnish hundreds, nay thousands of such spectacles!

How was this destruction wrought? How was this temple, that might have resounded with the praises of God, defaced and polluted? All our readers can answer [illegible] taken for the sake of good fellowship; perhaps it was at the request of some fair friend who called him lover. Little by little it grew upon him. As a sermon or the sight of a drunkard suggested to him his danger, he was wont to persuade himself that he could quit whenever he chose. But insensibly the *habit* was formed, which, like a boa-constrictor, now holds him within its resistless coil. While yet a moderate drinker, he forged the chain that now binds him down to the earth—a chain that he strives, in vain, to break. Jeremiah alludes in strong language to the tremendous power of evil habits—"Can the Ethiopean change his skin or the leopard his spots? then may ye also do good who are accustomed to do evil."

Have we the ear of any one who indulges his appetite for strong drink only a *little*? Let us ask him to pause at once. Now is the time, while the maelstrom is afar off. If you wait until you are once within its vortex you will certainly be swallowed up, unless by a sort of miracle you escape. Had this poor man stopped in time—rather had he never begun—he might have been a leading man in his calling, esteemed by all, useful and happy. As it is, he is clothed with shame and feeds on sorrow—

Unfit for earth, undoomed for Heaven;
Darkness above, despair beneath.

Young man, what are your habits? Do you tamper with the cup? Do you feel any desire for it? Do you allow yourself to go to the bar of the fashionable saloon or associate with those who do? Be assured you are in danger. Why not stand on safe ground as to this most alarming wide-spread sin? Remember that, as he who goes not upon the water cannot be drowned, so he who totally abstains from intoxicated drinks as a beverage cannot live the drunkard's life nor die the drunkard's death. "Wine is a mocker, and strong drink is raging; and whosoever is deceived thereby is not wise." "Look not thou upon the wine when it is red, when it giveth its color in the cup, when it moveth itself aright.—*Pa. Atlas.*

THE FINAL DESTINY OF THE EARTH.

Encke's comet, which revolves about the sun in 3½ years, has been observed to complete its revolution in a constantly shortening period, showing that it is being drawn inward towards the sun. This fact has led to the general conclusion by astronomers that the planets are moving in a resisting medium, far more attenuated than our atmosphere, but still sufficient to affect their motions. If this is so, it follows by strict necessity that our earth and its sister orbs are all winding spirally towards the sun, and that they must eventually strike against it and become incorporated with its mass. The time required for this purpose belongs to those inconceivable periods with which geology and astronomy have to deal. The resisting medium is so exceedingly attenuated that it exerts but a slight influence on the comets which are themselves masses of the very thinnest vapor, and its influence would of course be very much less on the dense matter of the planets. Astronomical observations, with all their wonderful delicacy, have yet failed to detect the slightest progressive shortening in the periods of revolution of any of the planets. It is curious, however, to note the multiplied obstacles which prevent the perception of this fact, if it does exist. All the measures of these revolutions are shortening with the revolutions themselves. If we begin, for instance, with the earth, the problem is to ascertain whether the time occupied by the earth in its journey around the sun is gradually becoming shorter. The first plan that suggests itself is to compare this with the rotation of the earth upon its axis, to see whether the year occupies the same number of days and hours and seconds that it did in former times. But if the earth is gradually cooling, it is contracting in size, and its rotations on its axis are becoming more rapid; in other words, the day is shortening with the year; and if the measure shrinks just in proportion to the thing measured, we cannot tell whether the latter is becoming shorter or not. If we take the time of the revolutions of the moon around the earth as a standard, the same resisting medium would draw the moon towards the earth and shorten the month also with the year. If we resort even to the less satisfactory measure of the sun's rotation on his axis, the bulk is also diminishing by the radiation of his heat, and the period of his rotation is consequently becoming shorter. In brief, from the two causes of radiation and the resisting medium, all the times and distances which could be used to measure the earth's distance from the sun (or the period of its annual revolution) are shortening together. So that the differences in the extent of these several contractions are the only means left for detecting by obsrevation the approach of the earth to the sun, if such approach is really taking place. These differences would doubtless reveal themselves in the course of generations to refined astronomical observations.

If the earth and sun are gradually becoming cold, this winding of the earth towards the sun would tend to keep up its warmth, and it may be a wise provision for prolonging, by some millions of years, the continuance of animal life upon our globe. But this period must come to a close, for if there is a resisting medium pervading the space between us and the sun, the final destiny of the earth is to curve gradually inward till the velocity hundreds of times greater [illegible]

"WHAT O'CLOCK IS IT?"

When I was a young lad, my father one day called me to him, that he might teach me to know what o'clock it was. He told me the use of the minute finger and the hour hand, and described to me the figures on the dial plate until I was pretty perfect in my part.

No sooner was I quite master of this additional knowledge than I set off scampering to join my companions in a game of marbles, but my father called me back again. "Stop, William," said he, "I have something more to tell you."

Back again I went, wondering what else I had got to learn—for I thought I knew all about the clock as well as my father did.

"William," said he, "I have taught you to know the time of day, I must teach you how to find out the time of your life."

All this was strange to me, as I waited impatiently to hear how my father would explain it, for I wanted sadly to go to my marbles.

"The Bible," said he, "describes the years of a man to be three score and ten, and four score years. Now, life is very uncertain, and you may not live a single day longer, but if we divide the four score years of an old man's life into twelve parts, like the dial of a clock, it will allow almost seven years for every figure. When a boy is seven years old, then it is one o'clock of his life; and this is the case with you. When you arrive at fourteen years old, it will be two o'clock with you; and when at twenty-eight, it will be four o'clock; at thirty-five, it will be five o'clock; at forty-two, it will be six o'clock; at forty-nine it will be seven o'clock, should it please God to spare your life. In this manner you may always know the time of your life, and looking at the clock may remind you of it. My great grandfather, according to this calculation, died at twelve o'clock, my grandfather at eleven, and my father at ten. At what hour you or I shall die, William, is only known to Him to whom all things are known."

Never, since then, have I heard the inquiry, "What o'clock is it?" nor do I think that I have even looked at the face of a clock, without being reminded of the words of my father.

THE SECESSION FLAG.

The *Delta* publishes a letter from a Mrs. Butler, from which we take the following:

Audubon, in his Birds of America, has expressed his surprise that the people of the United States should not have selected the gray eagle as their representative, instead of the bald eagle, and in all respects a much inferior bird.

I therefore propose, as the crest of the new Southern Confederacy, a gray eagle, standing on a mass of iron rock—typical of the firmness with which we will maintain our rights, and the valor with which we will defend them—on a shield of gold, representing the wealth of our resources. Let there be a live oak—emblem of strength, surrounded by a wreath of cotton, tobacco, sugar-cane, and palmetto plants, all enameled properly. Let the supporter on the right of the shield be a "knight in full armor," reminding us of our forefathers, and that their dead bones must never blush to acknowledge us as their descendants. Let the knight trample on a scorpion, true emblem of abolitionism. Let the supporter on the left of the shield be a negro strangling the serpent (hypocrisy) which would lure him to his own ruin—and let the motto be "*Fortes Juribus.*" For our flag let us not abandon the color of Washington, great son of the South, and of Virginia, "mother of the States," but let us have fifteen vertical stripes of red and white, and never let us cast aside the stars under which our Southern men have so often led to victory—let us have fifteen stars, forming one large star, showing to the world that, in unity of purpose, of feeling, and of determination, the fifteen States will be as one.

THE DEFALCATIONS AT WASHINGTON.

A clerk in the Land Office from Ohio resigned his position at the close of last month and went home. It has since been discovered that the number of land patents returned by him to his superior officials is less by five than the number of land warrants given out to him upon which to base the issue of such patent. Three 160 acre patents, in like manner missing, are charged to the account of another clerk, who was dismissed from office yesterday. These latter had been sold to a banker in Baltimore, but by whom has not been ascertained. The clerk who was dismissed disclaims any knowledge of the matter, saying, I learn, that many people had access to his room.

A very intelligent gentleman connected with the city press, upon seeing my despatch of Saturday concerning the presentment of Governor Floyd by the Grand Inquest, took the pains to inquire particularly of court officials as to the facts, and from him I learn that the case looks bad indeed for the parties implicated. In this connection it should be stated, however, that Mr. Russell nor Mr. Baily can be the subjects of public prosecution for any illegal acts of theirs, confessed or admitted by themselves before any committee of Congress. The amount of Governor Floyd's acceptances for Russell are [illegible] furnished was [illegible] I hear that some of the heads, before taking the acceptances, took the precaution to get an assurance from Governor Floyd that they would be paid at maturity, which assurance was endorsed by another eminent cabinet officer, who, of course, had no idea of the real state of things.—*Cor. of Baltimore Sun.*

TERRIBLE ACCIDENT.

A. Hemenway, carpenter of the steamer Swallow and resident of this city, while on the downward trip of the steamer, in skylarking with the watchman of the boat, was thrown or fell upon the machinery, resulting in the crushing of the three fingers of the right hand, the forefinger escaping the general mash. There being apparently no surgeon on board, the passengers were terribly excited—anticipating undoubtedly that the injuries were fatal unless immediately attended to. There happened to be on board a Hungarian named Charles Mogo—just arrived from Camp Floyd, Utah Territory—who had formerly been a surgeon in the Hungarian army. Immediately on hearing of the accident, he divested himself of his coat and administered to the immediate wants of the sufferer by bathing his wounded member in salt and water, taking up arteries and applying a bandage of cotton saturated with laudanum. He suggested at the outset that amputation of the lacerated fingers was necessary, and would have done it instanter had he had the instruments, and it not being suggested that the boat would in a few hours reach Sacramento, where possibly surgeons might conclude that amputation would be unnecessary. Upon the arrival of the boat, Mr. Hemenway was taken to his residence, where, we understand, the amputation was performed by Dr. Simmons. It is fortunate for the sufferer that he is left handed—a circumstance which reverses the degree of injury in ordinary cases where the right hand is disabled.—*Bulletin.*

Miscellaneous.

Trampling on the American Flag.—At the Richmond (Va.) Theater, recently, Miss Ritchie undertook to sing "Hail Columbia," or "The Star-Spangled Banner," but was promptly hissed down. She then came forward, bearing the stars and stripes, and sang the Southern Marseillaise, during which she threw down the flag and trampled upon it, when

"At once there rose so wild a yell,
As all the fiends from Heaven that fell
Had raised the banner-cry of hell."

When Garibaldi arrived at Caprera, instead of the stony desert he had left, he saw before him well cultivated fields and beautiful plantations, with shady groves and spacious avenues. It looked as if a magician had been there and struck the island with his wand, bidding Nature forthwith to lavish her treasures on this chosen spot. But when instead of his humble cottage, an elegant villa stood before him, this mystery was soon explained, for lo! on the walls of a fine large hall, the portrait of his friend, Victor Emanuel, who had turned his absence to account to prepare the surprise for him.

THE
MOUNTAINEER.

GREAT SALT LAKE CITY:
SATURDAY, MARCH 9, 1861.

AN IMPORTANT DECISION.

In our last issue we referred to the case of Fitzgerald vs. the People of the United States in the Territory of Utah, and to the remarks of Judge Cradlebaugh, bidding defiance to the mandates of the Supreme Court when the writ was served upon him superseding the execution of the sentence pronounced by Cradlebaugh until the decision of the Supreme Court could be obtained.

Upon the investigation of the records we find that Fitzgerald was indicted, tried and convicted in Carson County for MURDER. The United States Supreme Court for this territory being in session at the same time, and the record disclosing the fact that the trial took place at a called session of the District Court upon application of one hundred citizens; and the court having decided in the case of Winters vs. Hughes that the legislature was *alone* authorized to fix the time and places for holding courts, a writ of *supersedeas* was not only issued, but the judgment was reversed without argument, and a trial *de novo* awarded.

However much we may differ with some of the sentiments and opinions of the two gentlemen who have recently occupied the high and honorable position of the Supreme bench of Utah, we mistake their character very much if Judge Cradlebaugh is not most severely dealt with, should he proceed to execute the sentence of his court by hanging Fitzgerald. Did we not know from his antecedents how unscrupulous Judge Cradlebaugh was in the discharge or exercise of his functions, we could not think for a moment that he would be guilty of so great an outrage.

Fitzgerald occupies the same position as though he had never been tried; and with the presumption of law that every man is to be considered innocent until he is legally convicted, to hang the prisoner now, after the judgment has been set aside, would be little less than, nay we can safely say would be, actual murder, wilful, premeditated murder. In addition to which crime would be added the grossest contempt ever perpetrated or that possibly could be offered, against the highest court of the territory.

Our object more particularly in again referring to this case is to advise the public of a decision made by the Supreme Court during their recent session, which we consider of some importance. In the case above referred to, it appeared that the counsel for the prisoner pleaded to the jurisdiction of the court, on the ground that Cradlebaugh was not Judge, having been superseded by the appointment of Judge Flenniken. This question being presented by the record, and a conflict existing in the second judicial district between these two gentlemen; each contending for the honor of the bench, and both holding, or attempting to hold court in the same district; the Supreme Court met the question and decided it adversely to Flenniken.

In making their decision the court took into consideration and brought directly to issue the power of the President to remove a territorial judge. The position assumed by the court was, that while the Organic Act provides for the appointment by the President of all territorial officers for four years, and gives to him the power of removal in most cases, that power in regard to the judiciary is withheld. Upon this ground they ruled that as Cradlebaugh was appointed and confirmed for four years and as the period for which he was appointed had not expired, he was still judge and could not be supplanted by any power vested in the President.

This decision is one of grave importance, and being, as we believe, the first on the question ever made by any of the Territorial Courts, will demand more than a passing notice.

An effort was made to bring the same question before the Supreme Court of the United States in the case of the United States against Guthrie, (reported in the 17th vol. of Howard). Judge McLean, alone and boldly contended, and in the delivery of a very able opinion, asserted that the President had not the power to remove a Territorial judge. The other justices expressed no opinion on the power of removal, but only decided that *mandamus* to compel the Treasury department to pay the removed judge was not the proper remedy.

In the absence of the written and endorsed opinion of our Supreme Court, we decline the expression of our own views on the subject, or making comments for or against. We hope, however, soon to present the opinion in full to our readers, and we may then take the liberty usually exercised, though sometimes villainously abused, by editors, of delivering our opinion.

JUST RETRIBUTION.

On the first of this month an exhibition of the summary process of law was made manifest by the stringing up of three desperadoes. Messrs. Charles Bacon, Bill Smith, and French Pete were arraigned before a court composed of the employees at the mail stations west and east of the Rocky Ridge. From our reporter we learn, that on or about the 15th of February the parties above mentioned induced a person named Bartholomew (formerly a resident of Omaha) to make a visit to Bacon's ranche at the Three Crossings of Sweetwater; that when in the house of Bacon the said Bartholomew was shot by Bacon, Smith and Pete. Pete made his escape good, but subsequently returned. On the return of Pete the employees of the mail line east and west of the station concentrated their forces and brought the parties to trial before a court of their own formation. The evidence being conclusive, a verdict of hanging was the result, and the three gentlemen were swung accordingly.

While we cannot endorse as a general sentiment the idea of outside tribunals and such summary justice, we cannot say otherwise than that in such a case merit was fairly dealt out. We knew none of the parties; but from what we can learn, Bacon has been for years a notorious vagabond. He has been, we learn, the proprietor of a ranche at the three crossings of Sweetwater. About two years since two Germans went to his house at that place, and were never afterwards seen. Subsequently (a few days afterwards), Bacon was seen with their horses. He is supposed to have been an inveterate desperado, not unknown in these regions.

While we condole with the widow and orphan of the murdered man, we cannot but say success to the tribunals that without parley and pleadings mete out such well-deserved justice. Oh! that it might continue. Oh! that the time had come when such vagabonds were not permitted to ramble abroad and pollute our atmosphere with their damning breath. A few scaffolds, and a few yards of rope would make an end to much trouble. The only trouble to the world would be, where should be the period of the scaffold's jurisdiction.

INFORMATION WANTED.

ALEXANDER JOHN, son of John and Janet Hardie, a young man of about 20 years of age, left London in 1850, as second mate of the bark "Emerald Isle," of which his uncle, Alexander Downie, was captain and part owner. Captain Downie died at the Cape of Good Hope, and thence to Sydney the vessel was commanded by a Mr. Hall, who had previously been the first mate. His friends subsequently h[illegible] that he went from Australia to San Francisco, and that he sailed from California in March, 1853, in the British bark "Edward," for New South Wales. Any information concerning him would be thankfully received by his widowed mother, Janet Hardie, G. S. L. City, Utah Territory, U. S. A.

California and Australian papers, please copy.

Local News.

DESERET AGRICULTURAL AND MANUFACTURING SOCIETY.

AN election for President and Directors of this society was held, pursuant to announcement in the MOUNTAINEER of Saturday, 23d ult., on Monday last. The meeting was well attended, and there were evidences of more than usual interest on the subject of electing directors and other officers for the ensuing year.

Edward Hunter, Esq., was unanimously elected President of the Society, and John R. Winder, John Nebeker and William Wagstaff, members of the old board, were re-elected directors.

Nathaniel H. Felt, Albert P. Rockwood, and Levi R. Riter were nominated and elected to fill the vacancies occasioned by the resignations of Wm. C. Staines, Wilford Woodruff and Lorenzo D. Young, Esqrs.

The new board immediately proceeded to choose a Treasurer and Clerk. Jesse C. Little, Esq., was chosen Treasurer, and Thomas Bullock, Esq., Clerk.

Messrs. Felt, Winder, Nebeker and Bullock were appointed a committee to select agricultural works for the use of the Society.

President Hunter made some pertinent remarks upon the subject of domestic manufactures, and urged the necessity of active perseverance.

Mr. Winder followed with an interesting speech upon the propriety of the board taking into consideration the most feasible plan of improving the breeds of horses in this Territory, after which the meeting adjourned.

POLICE REPORTS.

The quiet of this peaceful city was disturbed on Thursday, by a fight, which is supposed to have had its origin in some old grudge. A store in Main Street had the honor of being the scene of combat; but, finding the limits of the store unsuitable for the exhibition of their pugilistic maneuverings, they took possession of the open street. The fracas might have been more serious in its consequences, had not some kindly disposed persons taken possession of a knife and a pistol that were in the possession of one of the parties.

The gentlemen engaged in this affray were complained of, and appeared yesterday before Alderman Clinton. Some five gentlemen deposed to their having been present at the fight, the peculiar features of which each and all the witnesses described with unusual harmony and clearness. The parties were fined $50 each and costs.

Eastern News.

FURNACE "BLOWN OUT."—The Montour Iron Works, the largest in Pennsylvania except one, have stopped, and about one thousand men have been thrown out of work in the very depth of winter.

Twelve thousand guns of the model of 1823, are yet remaining in the United States Arsenal in Springfield, Mass. Workmen are oiling and packing them in boxes for transportation on short notice.

FREE NEGROES.—Sixty free negroes, from North Carolina, bound North, passed through Maryland the other day. Cause: the Southern secession excitement. We may expect hundreds and thousands of such visitors before long. Let our abolition philanthropists make their arrangements accordingly. Shall the poor negro, unless he be a fugitive slave, be allowed to starve? What says Parson Beecher?

THE CRISIS AND ITS CURE.

The *Confederation*, Mr. Buchanan's new organ, has the following article under the above head:

The enemies, and a few of the friends, of the administration complain that more rigorous measures of resistance and relief are not exercised by it against the secessionists of the South than what have been already done; but it is to be supposed that the President is much better posted upon the state of the country, and what it requires in the present crisis, in order to avoid civil war and restore peace to all sections, than what these croakers are, or what they may presume ought to be done to cure the evils of the hour.

The President, the public may rest assured, is as fully alive to the responsibilities of his place, and as equally determined to perform all his obligations to the Constitution and laws of his country, as the most devoted and patriotic of his fellow-citizens; but it must be understood that it is one thing to enforce the laws at the certain hazard of frustrating the hopes of every friend of the Union, and another to allow them to enforce themselves by a masterly indifference to acts of rebellion and revolution, which must terminate sooner or later in the self-subjugation of turbulence and passion to the controlling influences of common sense and right reason. When this is done, and the day is not distant when we hope to witness it, a reciprocal feeling of friendship between the people of the South and the North will spring up, and our glorious Union will once more glide on in the race of unparalleled prosperity, with a celerity hitherto unexampled in the history of the world.

We know it is hard, even humiliating to our manhood, to see the seizure of public property, and the lowering of the glorious flag of our country, by men who should be the last to do, or suffer to be done, either of those things, but we cannot conceal from ourselves, if we would, that in their breasts beat as true American hearts as ever beat in the bosoms of those who fought at Bunker Hill or on the plains of Yorktown. Time and patience [illegible] for the frenzy [illegible] sections [illegible] hope and trust it soon will, the people everywhere will pronounce with one voice the approbation of the wisdom, moderation, and forbearance which have characterized the President's course in the trying crisis of the times.

THE SOUTH CAROLINA DECLARATION OF GRIEVANCES.

To examine a willing witness, to make a speech before an audience thoroughly prepossessed with the opinions which we advocate, to spur a willing horse, or to break a bruised reed, are exploits proverbially easy and inviting. There are few people so modest as not to believe themselves equal to the most arduous of these undertakings. But the facility of all these things sinks to nothing in comparison with the ease of preparing a manifesto on the subject of slavery and disunion for such a community as that of South Carolina. The happy man to whom fortune has reserved so singular a felicity, labors under no other difficulty than the necessity of avoiding whatever temptation, necessity, or education may throw in his way towards the smallest degree of modesty, candor or fairness. If he can avoid these dangerous shoals he has absolutely no other difficulties to fear. The wind is fair, the sun is smooth, the haven for which his soul longs is full in sight. We confess we are surprised that, strengthened by the possession of so many and such unquestionable advantages, the separationists of South Carolina have not done more justice to the exciting thesis they have undertaken to handle. Whether it be that the declaration has long been written, and carried about like the redoubtable cane of the ever-to-be-regretted Brooks, ready to be put in requisition on the first convenient opportunity, we cannot tell; but certainly the declaration of the immediate causes which induce and justify the separation of South Carolina from the federal Union is by no means so lively and spirit-stirring a composition as a little more literary skill might, perhaps, have made it.

* * * *

We gladly hurry on to the 23d of May, 1788, when South Carolina found herself for the first time a member of the American Union. She applies to the Union the principles which she had learned in her quarrel with England. She finds that the Union does not exist for her own benefit; that it does not accomplish, so far as she is concerned, fully and entirely the ends of its institution—nay, that some articles of the contract have not been fully accomplished; and, strong in this conviction, she claims the same right against her sisters as she had before exercised against her parent.

There is not much use in reasoning at the present time with South Carolina. Were she more amenable to reason, she would not be in the position in which she finds herself; but, still, we may observe in passing that it speaks well for the wisdom of the American federation when we find its dissolution advocated on principles upon which no federation could permanently exist. If every state is to claim to be the judge of its own grievances, if it is to act without concert and without appeal, and if whenever it believes that government does not do all that is required of it, or that its allies fall short of their obligations, it is at liberty to break up the Union, how is it possible that the Union can be otherwise than transitory?

Whatever be the extent of those grievances, it is not by them that South Carolina has been driven from the Union. The last cause which she mentions, and the one which has at least served as the occasion for her secession, is the election of Mr. Lincoln—a man of opinions and purposes, hostile to slavery. What the opinions and purposes of Mr. Lincoln are, we have learnt from better authority than the South Carolina manifesto—that is, from Mr. Lincoln himself—and every one may judge how far this is a true representation of his opinions. On his accession, says the manifesto, it has been announced that the South shall be excluded from the common territory, that the judicial tribunal shall be made sectional, and that war shall be made against slavery until it ceases from the United States. It is impossible to read the speeches and writing, which circulate in the North, where that freedom of discussion still exists which the South has exchanged for its favorite "domestic institution," without being aware of the utter falsehood of these statements. The South is not to be excluded from the territories unless the southerns consider themselves in the light, not of slaveholders, but of slaves. It is not sought to render the Supreme Court of the United States sectional, but to rescue it from the disgrace of being packed with judges placed there for the advocacy of slavery, and we have not been able to discover a vestige, even in the most excited speeches in an excited time, of any intention, expressed or insinuated, to make war on the institution of slavery.

But what matters all this? Not a single observation that we have ventured to make could be made in the republic of South Carolina, thus auspiciously taking her place among the nations of the world. Without law, without justice, without delay, she is treading in the path that leads to the downfall of nations and the misery of families. The hollowness of her, cause is seen beneath all the pomp of her labored denunciation, and surely to her, if to any community of modern days, may be applied the words of the Hebrew prophet; "A wonderful and horrible thing is committed in the land. The prophets prophesy falsely, and my people love to have it so."

HANNIBAL HAMLIN.

Hannibal Hamlin, Vice President elect, is believed by the less intelligent people of the South to have a tinge of African blood in his veins. A Washington correspondent of the Richmond *Dispatch* writes:

"I have seen a letter from a gentleman of high character in New Hampshire, giving the pedigree of Hamlin. His grandfather was a mulatto, and commanded a mixed company of negroes and Indians during the Revolution. He pocketed the pay of his company, sold the wine and other luxuries provided for the sick, and left the army in disgrace. One of Hamlin's uncles, or great uncles, was [illegible] Africa. There is a legend in the family, to the effect that when Hannibal was an infant in the cradle, his nurse overheard one of the relatives, who was then gazing on the boy, exclaim, "For God's sake! will this d—d black blood never get out of the veins of our family?" Members of Congress who served with Hamlin, when he was in the House, say they always knew he had a streak of negro in him. This is pleasant."

In answer to the above, the editors of N. Y. *Express* very promptly and creditably make the following statement:

"The editors of the *Express* were born in the same state that Mr. Hamlin was. One of them was at an academy in Buckfield, near Paris (Oxford county), Hamlin's native town, there at school with a brother of Hamlin. Mr. Hamlin himself has been known to both of us for twenty years, and the family is quite well known to one of us. One of us served in Congress with him four years, and such a thing was never heard of, or even breathed there. The whole story is a monstrous lie.

A CHAPTER ON MORALS.

Our beloved brethren of the North, the men of ideas and philanthropy, and virtuous abstractions, have but one great grief in this confederacy—that their consciences suffer because of the degree of responsibility which is theirs, as connected with a confederacy in which slavery exists. One would think that a short process could be found by which to relieve their consciences of this dreadful moral responsibility—simply by quitting the connection. But the hypocrisy exposes itself the moment the slave states propose to relieve them by their own withdrawal from the Union. And then they ignore their own peace and philanthropy doctrines by insisting upon carrying war and carnage into the South, to compel the continuance of that very Union which was their loathing and horror. Mr. Lincoln and the Union savers all allege that they have no design against the peace the safety, or the institutions of the South, and all they ask of the South is, simply that they should have a trial, only to prove how innocent they are. Excellent Christians! Admirable politicianal Virtuous philanthopists! they curse slavery, threaten its destruction, and use all their energies to acquire the power to destroy it. And when they think they have got this power and are exulting in it, they suddenly abjure it. The victim struggles. They did not think that, for hypocrites are always fools as well as knaves. He may free himself, perhaps, before his throat is cut. If we now can only persuade him to be quiet! There's the rub! Who shall we look to? Douglas, Crittenden, Winter Davis, Botts—ay, Botts!

These tender consciences should be relieved from the moral hurt which they suffer from connection with slave states.

We quit them accordingly. We release them.

These world-wide philanthropists, peace men and innocents, repudiate war, and strife and all bad passions.

We propose to quit them in peace, after a fashion prescribed in the Scriptures—"You go your ways: we go ours."

Why will these innocents, who loathe the Union with the slaveholder, still insist upon it, even at the risk of war? Alas, brethren! They wish, themselves, to become slaveholders; not of the negro, but the white race of the South! They have long since cheated brother Esau, who was a simple herdsman, of his mess of pottage. They would now sell him into Egypt, and reduce him to brick-making, without straw, that they should build themselves mighty pyramids. Their weapons will not prevail. But what a fearful power have they in their cunning! How dexterously do they mask their faces with Esau's hair, and approaching our poor benighted brethren, the patriarchs, Bell and Crittenden, and others, persuade the poor blind men that they are the favorite brothers, the best friends, the true heirs; while, with cormorant appetites, they devour the pottage; and, with irreverent scorn, they mock the blessing. But the great God of the world still governs it; and His eyes are not blind to the acts of the wicked. In His own good time He will rebuke the cunning hypocrites; the pottage shall be as poison in their throats and bowels; and the blessing shall become the curse.

—*Charleston Mercury.*

TELEGRAPHIC NEWS
BY PONY.

[FOR the following comprehensive synopsis of the despatches which arrived in this city at midnight of the 4th inst., we are indebted to our contemporary the *Deseret News.*]

MR. LINCOLN ON HIS TRAVELS TO WASHINGTON.

The President elect reached New York on the 19th; his suite occupied eleven cars. The crowd that turned out to see him was estimated at a quarter of a million. He was formally received by Mayor Wood at the City Hall, on the following morning.

His honor, in addressing Mr. Lincoln, said that the city had never offered hospitality to a man clothed with more exalted powers or resting under greater responsibilities. He was entering into office with a dismembered government to reconstruct, and a discontented people to reconcile. His honor referred to that topic because New York was deeply interested, her people were sorely afflicted, her commercial greatness was endangered. She was the child of the American Union, and had grown to her position of grandeur through the maternal fostering care of the Union, and they feared that if the Union died, that New York's supremacy might die with it. The people, therefore, looked to the President elect to bring about friendly relations between the States, only, he considered, to be accomplished by peaceful and conciliatory means.

Mr. Lincoln, with feelings of deep gratitude, made his acknowledgments for the grand reception extended to him, from a people, the majority of whom were opposed to him in politics. He agreed with the sentiments expressed by the Mayor, alluding to the political difficulties of the nation. He was devoted to the Union, and he could never consent to its destruction. The ship, he said, was made for the carriage and preservation of the cargo, and so long as the ship could be saved with the cargo it should never be abandoned. They should never cease in their efforts to save it as long as it could be done without throwing overboard the passengers and cargo. So long as the prosperity and liberty of the people could be preserved in the Union, it would be his purpose and effort at all times to preserve that Union.

The members of the Common Council and of the State government were introduced. On his return to the Astor House, Mr. Lincoln was visited by about a hundred distinguished guests; in the afternoon went to Barnum's Museum, and in the evening visited the opera. He declined an invitation to visit Brooklyn.

During the day, Vice-President Hamlin and family arrived in the city, and joined Mr. Lincoln and family at the Astor House, where they were serenaded by the Wide Awake's and other Republican clubs.

Mr. Lincoln and suite left New York on the 21st, passing through Newark and Trenton. At the former place he was received and addressed by the Mayor, and responded briefly in the same vein as at New York. At Trenton he had separate receptions from both branches of the New Jersey Legislature, and addressed both.

In the Senate chamber he alluded to revolutionary reminiscences: expressed his determination to do his utmost to restore peace. No one would do more than he would to preserve it, "but it might be necessary to put the foot down firmly." This last sentiment called forth loud and prolonged cheers. Mr. L. hoped to have their assistance in piloting the ship through this voyage surrounded with so many perils, for if it suffered from the attack now, there would be no pilot ever needed for another voyage.

HIS RECEPTION AT PHILADELPHIA.

On the afternoon of the 21st, the President elect and suite arrived at Philadelphia, and were conducted to the Continental Hotel. The reception at Philadelphia was grand. The *barouche* in which Mr. L. was conducted to his hotel was drawn by four white horses in gay plumage. The procession consisted of mounted police, cavalcade of citizens of all classes and politics, Pennsylvania dragoons, and the nabobs of the Council committees of New Jersey and Pennsylvania. Patriotic emblems were everywhere paraded in the route of the procession. On the balcony of the hotel, the Mayor addressed Mr. Lincoln, and in return was addressed, but from the crowd and noise were inaudible, except to those immediately around them. The little of the speech given in the dispatch, is in amount the same as before reported, that the President elect considered the present but a bogus or artificial crisis—yet, artificial though he might regard it, much evil to the country had ensued.

On the following morning—the birthday of Washington—Mr. Lincoln was called upon by the authorities of the city to run up a new national flag with 34 stars, from a platform in front of Independence Hall. A large enthusiastic crowd filled the square and the streets leading thereto, while working men in great force were in procession throughout the city.

After raising the flag on the hall, Mr. L. entered within, where he was officially received, and made another speech, adverting feelingly to the place where he was, and said that he had never entertained a feeling politically which did not spring from the Declaration of Independence. He then said:

"Now, my friends, can this country be saved upon that basis? If it can, I will consider myself one of the happiest of men in the world, if I can help save it. If it cannot be saved on that principle, it will be truly awful; but if this country cannot be saved without giving up that principle I was about to say, I would rather be assassinated on the spot than surrender it. (Applause.) Now, in my view of the present aspect of affairs, there need be no blood-shed or war—there is no necessity for it. I am not in favor of such a course, and I may say in advance, that there will be no blood-shed, unless it be forced upon the government, and then it will be compelled to act in self-defence" (Applause.)

Mr. Lincoln, in his concluding remarks, seemed to think that in saying that much, he might have been indiscreet, he was, however, willing to live by it, and if the pleasure of the Almighty, die by it. (Great applause followed.)

ARRIVAL AT HARRISBURG.

Mr. Lincoln and suite left Philadelphia soon afterwards, and arrived at Harrisburg at 2 p.m. He had enthusiastic receptions at the stopping places *en route*, and on arrival at the depot was escorted in procession to the Jones House, where he was welcomed by Governor Curtin. At the State House he alluded to raising the flag over Independence Hall at Philadelphia. He said that his friends had so arranged it that he had the honor of raising a magnificent national flag to its head-staff. (Applause.) And when it went up, he was pleased that it went to its place by the strength of his feeble arm, and without an accident it flaunted gloriously to the wind in the light of the glowing sunshine. (Great applause followed.) Mr. Lincoln was very anxious to regard the Philadelphia ceremony ominous of what would follow his efforts to raise the nation, and hoped with the co-operation of the people, the national flag of the country might yet be kept flaunting gloriously. (Enthusiastic cheering.) Alluding to the great display of military in the streets and the tender of their services which had been made, he was anxious to have it understood his most earnest hope was that they might never be called upon to use them. (Loud cheers.)

MR. LINCOLN TAKES FLIGHT BY NIGHT.

To the great astonishment of the nation, the President elect had to terminate his travels to the capital by nightly flight and in disguise. There is a great deal of telegraph before us on the subject and much of it confused, from which we make a summary.

It appears that as Mr. Lincoln was retiring to rest on the evening of the 21st, in Philadelphia, that a messenger demanded instantly an interview with him in his bedchamber. On hearing the name of the stranger calling upon him, who appears to have been somebody of importance, the door was at once opened, and a message was delivered from Gen. Scott and the War Department, informing Mr. Lincoln that they were in possession of indisputable evidence, from secret agents, that a plan had been devised for his injury, and recommended his passing through Baltimore *incog.* To Mrs. Lincoln, Colonel Sumner and a Mr. Judd only, and two reporters sworn to secrecy, was anything communicated. A Washington correspondent of the New York *Times* makes the following statement of the affair:

"On Thursday night, after he had retired, Mr. Lincoln was aroused and informed that a stranger desired to see him on a matter of life and death. He declined to admit him unless he gave his name, which he at once did. Such a prestige did the name carry, that while Lincoln was yet disrobed, he granted an interview to the caller. A prolonged conversation indicated the fact that an organized body of men had determined Lincoln should not be inaugurated, and that he should never leave Baltimore alive, if indeed he ever entered it. The list of names of the conspirators, presented a most astonishing array of persons high in Southern confidence, and some whose fame is not confined to this country alone. Statesmen laid the plan, bankers endorsed it, and adventures were to carry it into effect. As they understood Lincoln was to leave Harrisburg at nine this morning, by special train, the idea was if possible to throw the train from the road, at some point where they could rush down the steep embankment and destroy in a moment all on board. In case of the failure of this point, they were to surround the carriage on the way from depot to depot in Baltimore, and assassinate him with dagger or pistol shot. So authentic was the source through which information was obtained that Lincoln after consulting with his friends was compelled to make arrangement that would enable him to subvert the plans of his enemies."

Thousands of persons desired to call on him after his arrival at Harrisburg, but he declined seeing them. A final council was held at eight in the evening. Mr. L. did not want to yield. Col. Sumner cried with indignation, but Mrs. Lincoln, seconded by Mr. Judd and Mr. Lincoln's original informant, prevailed, and at nine o'clock he left on a special train, wrapped up in a Scotch plaid and a very long military cloak. He was accompanied by Superintendent Lewis and one friend.

The committee of reception, composed of several prominent republicans, arrived from Baltimore, to join Mr. Lincoln and to accompany him to their city. They were, of course, greatly disappointed on learning that Mr. Lincoln had gone. On the arrival of the regular train at Baltimore, in which was Mrs. Lincoln, family and the suite of the President elect, the train was greeted with groans.

An explanatory statement is made which sets forth that Mr. Lincoln's troubles in Baltimore would probably have occurred from the indiscretion of some republicans, who wanted to make capital out of him by escorting him in procession. The marshal protested against the proceeding as one likely to arouse the indignation of opponents, and which would have perhaps led to a row, and some indignity to the President elect. Finding the republicans alluded to inflexible in their determination, some gentlemen in Baltimore telegraphed to Mr. Lincoln suggesting the course which had already been advised and which he pursued as before stated and expedited.

HIS ARRIVAL AT WASHINGTON.

The unexpected arrival of Mr. Lincoln at the seat of government, was at first only known to a few friends who met him at the depot, and conveyed him to Willard's Hotel. The circumstances leading to his unlooked for course was at first sought to be concealed, but the general preparations for a grand reception were on the *tapis*, and the news soon spread.

Early after his arrival at Washington Mr. Lincoln visited General Scott, and the hero returned the compliment in a visit during the afternoon, and was warmly greeted. The Illinois delegation, headed by Senator Douglas, also paid their respects to Mr. Lincoln. Douglas's interview was said to have been very pleasant.

The venerable Frank Blair, and his son Montgomery Blair, called in the evening. The Secretary of the Peace Congress called and arranged for an interview for the Peace Makers, at nine in the evening. Governor Chase, of Ohio, introduced ex-President Tyler. Mr. Lincoln received him with great respect. Willard's hotel was thronged with the curious, eager to catch a glimpse of Mr. Lincoln. On the 25th, Senator Crittenden and Hon. C. F. Adams visited him and expressed their hopes that he would bring the country out of danger.

Mr. Lincoln, in company with Mr. Seward, visited the Senate and House.

At latest advices the flight from Harrisburg was the chief topic on the public mind. The design of assassination is fully believed in. Mr. Lincoln's speech at Philadelphia had inflamed the Southern people.

THE CONFEDERATE STATES.

Advices from Montgomery indicate that the Southern Confederacy will regard an attempt of the United States to maintain its authority in the seceding States as an act of war, which will be followed by instantaneous reprisals. A large number of privateers were in readiness to commence operations on the ocean, at a moments warning. It was reported that arrangements were already made in California for privateers on the Pacific Ocean, when occasion calls for them.

The tariff bill under consideration at Montgomery, does not differ materially from that of the United States. It will apply to all goods imported from north of Wilmington, Delaware. Bonds will be exacted from shippers from non-seceding slave-holding States to guard against deception.

Philip Clayton, ex-assistant Secretary of the United States Treasury, had been appointed to a similar position under the Southern Confederacy.

Mr. Toombs has been appointed Secretary of State; Memminger, Treasurer, and Pope Walker, Secretary of War.

The New York *Times* claimed to have seen a letter from a member of the British government to a distinguished American, stating authoritatively, that the whole matter of secession had been brought by Lord John Russell before the ministry, and all subordinate matters of defective clearance, etc., and the declaration was made that not only will there be no recognition made by Great Britain of the Southern Confederacy; but every thing will be done to discountenance disunion.

The Southern Congress had unanimously passed an act declaring the establishment of the free navigation of the Mississippi; it gave general satisfaction.

VIRGINIA.

Mr. Preston, in the Virginia Convention, on the 19th, delivered a speech which had created great interest; the Union could not be re-constructed, and confidence expressed that Virginia would join the Southern confederacy. A resolution was introduced, the gist of which was, that though the election of Mr. Lincoln did not justify secession, yet as the Southern secession left the border states in the minority in Congress, Virginia would present an ultimatum to the Northern States and fix a time beyond which she would not wait; if the ultimatum failed, Virginia would take steps to secure her rights out of the Union; referred to committee.

On the 20th, a large number of resolutions on Federal relations was offered in the Convention, all expressive of Virginia's opposition to coercion.

On the 22d, resolutions were again introduced against coercion, pledging Virginia to resist, and setting forth that it was the duty of the federal government to acknowledge the independence of the seceding States. The resolutions were favorably received and referred to committee.

In the Virginia convention on the 23d, a resolution was unanimously adopted, "for appointing a committee to inquire whether any movement of any arms or men had been made by Government to any fort or arsenal in or bordering on Virginia, indicating preparations for attack or coercion."

COLLECTING CUSTOMS IN THE SOUTH.

The Secretary of the Treasury sent elaborate documents to the House on the 21st, in which he said that he believed that the duties on imports would continue to be collected at ports of entry in South Carolina, Georgia, Alabama, Louisiana, and Florida, and that vessels were entered and cleared in the usual manner, but collectors assumed to perform their duties under State authorities. Only about half the officers of customs in those States had resigned, while the others had entered on the duties of the Government of the States, without considering it necessary to perform that official ceremony. The documents embrace correspondence relative to customs, the New Orleans mint, etc.

CONGRESS.

In the House on the 20th, there was considerable debate over the bill to authorize the Post Master-General to discontinue mail service in the seceding States. The Volunteer bill was strongly opposed by Mr. Bocock, as he considered it a declaration of war. The [illegible] the committee of 33 was again up for debate. Vallandigham advocated dividing up the Union into four sections. Garnett of Virginia, during the debate on the navy bill, offered a proviso that the sloops should not be used to execute the Federal laws in seceding States. He considered that Mr. Lincoln's speeches and private conversation foreshadowed a coercive policy, and the intention of making war on the South. He expressed his wish for the immediate secession of Virginia, which was hissed and applauded in the galleries. The Senate amendments passed the House, 111 against 28. During the evening Mr. Ruffin of North Carolina made a strong secession speech.

The Tariff bill passed the Senate on the 20th; yeas 23; nays 14. On the 21st, a debate sprung up on the bill for the discontinuance of postal service in the seceding States. Mr. Hunter opposed the bill as a coercive measure. Mr. Doolittle contended that it was a measure of peace, not war; Mr. Powell opposed the bill as giving the power of a despot to the head of the department. Mr. Fessenden thought that the Senators were drawing largely upon imagination—it was a measure of peace. Douglas so regarded it and said that he believed there was a deliberate plot to break up the Union on the pretext of devotion, and that there were as many disunionists North as South.

Mr. Dawes from the select committee of 5, to whom the President's message of the 8th January had been referred, made a report to the House which greatly reflected on the administration for neglecting the defence of the whole Atlantic coast during the prevalence of lawless violence. There were 28 ships lying dismantled, unfit for service; in the aggregate mounting 874 guns. None of the vessels could be repaired and put under sail short of several weeks, and some of them would require at least six months; and yet nothing had been done to put any of them in readiness. The committee considered that the Secretary of the navy was deserving of censure for accepting without delay or inquiry the resignation of officers who had gone with the secessionists and of those who wanted to be released from their commission in order to fight against the constituted authorities of the nation.

In the House, on the 23d, the Tariff bill was taken up as returned from the Senate with amendments. During the discussion, Mr. Garnett, of Virginia, took occasion to allude to Mr. Lincoln's hasty passage through Baltimore, sarcastically said the President elect was afraid of meeting Bill Yancey, and Jeff. Davis who were there with a six pounder; and suggested additional pay to General Scott, that he might have an additional peacock's plume, and made a call for money to raise a body guard for Lincoln to protect him from Jeff. Davis and Gov. Wise. His speech was responded to by hisses.

On the 25th, the Tariff bill was considered in the committee of the whole; after which the whole subject was reported to the House, Mr. Sherman urged the necessity of concurring. He was opposed to much of it, but he believed that the very existence of the government depended upon the passage of the bill. When Mr. Buchanan took the reins of Government the public debt was $29,000,000 with nearly $18,000,000, in the Treasury; but now the public debt was $96,000,000, and the smallest possible amount for the Government to get along with for the next fiscal year, was $68,000,000; all of the Senate amendments, except that of taxing tea and coffee were concurred in; a committee of conference was adopted on this amendment.

In the Senate, the bill relating to the postal service in the seceding states, passed by 34 to 12.

WASHINGTON EMBASSADORS AND THEIR GOVERNMENTS.

The French and Russian ministers at Washington are reported to be in favor of secession, and the government of the former had called for explanations from M. Mercier as he had sent home reports conflicting with those made by consuls and others.

Dispatches from Europe announce the determination of the European powers to abide by the fixed policy of recognizing no new government before its recognition by the government from which it had separated.

DECISION OF THE INDIAN BONDS.

The U. S. Circuit Court, at New York, on the 25th in the case of the Indian trust bonds, fraud dissolved the injunction, deciding that the government was bound, where the holders of the bonds received them without notice of fraud and the United States had no redress.

GEN. TWIGGS SURRENDERS.

Gen. Twiggs had announced to the war department, that he has surrendered to Texas, all the forts, arsenals and munitions of war in that State. The federal troops were tendered every facility to leave the State. The property surrendered amount to $1,300,00.0

FORT SUMTER.

On the 21st, General Scott was in receipt of information from Major Anderson, which led the Commander-in-Chief to expect the attack on the fort that day. At the same time the government received information that the attack would not be made before the Fourth of March. The garrison stood in need of money, but it could not be conveniently conveyed to the fort.

ASSAULTING A CONGRESSMAN.

Mr. Van Wyck, of New York, was assaulted on the evening of the 21st, in Washington, by three unknown persons. He was wounded by a heavy knife, and, while desperately resisting them, was knocked down. Recovering himself somewhat, he discharged a pistol, which was believed to have taken effect upon one of the party. Mr. V. reached his residence very weak; but not in a dangerous condition.

THE PEACE CONGRESS.

The Peace Congress had been expected to conclude business on the 22d inst., but did not. Chase, of Ohio, offered a proposition that it was inexpedient to proceed to the consideration of the grave matters involved in the resolutions of Virginia, until all the States participate; and that ample time may be afforded for deliberation, resolved that the Conference adjourn to the 4th of April. An exciting debate arose upon the proposition, and there was a prospect of its adoption.

INDIAN WAR BILLS.

In the Senate on the 23d, the bill for the payment of the expenses incurred in the suppression of Indian hostilities in California was taken up and passed.

At the same time, the bill making payment for the suppression of Indian hostilities in Utah, in 1853, was passed.

In the House, on the same day, the Oregon and Washington war bill was passed.

MISCELLANEOUS.

Mr. Brown, late editor of the *Constitution*, had been deputed to inform the Federal Government of the election of Gen'l Davis, to the Presidency of the Confederate States. The dispatch says: "He will not be recognized."

Capt. Meiggs had returned from Florida to resume the charge of the Washington Acqueduct, leaving in charge of the fortifications at Tortugas, Major Arnold of the artillery. Troops in good condition and prepared to resist any attack.

Capt. Armstrong was to be censured for not turning over the troops to Lieut. Slemmer at Fort Pickens.

The Southern mail contractors were anxious about pay, and for their comfort the Postmaster General stated that drafts would be issued to them on the postmasters of the seceding States.

A convention of the old soldiers of 1812, of the Black Hawk, Florida and Mexican wars, was held in Indianapolis, on Washington's birthday. Resolutions were passed expressing readiness to throw themselves into the front rank, to meet treason in any section of the country, and to sustain the flag of the Republic, the government as now organized, and the President elect, without regard to party. When the resolutions were put to the vote, the old soldiers of 1812 and the other remnants of the field got divided.

The Republicans of Mr. Kellogg's district met in convention and resolved to enter their protest against the resolutions offered by him in Congress, to amend the Federal Constitution, believing them to be subversive of enlightened faith, the party's honor, and the spirit of national institutions. Mr. K. was urged to unfaltering support of Republican principles as enumerated in the Chicago platform. Grounds of policy saved Mr. Kellogg from the request to resign.

The Boston Common Council had censured the Hon. Charles Sumner for his remarks made in the Senate respecting the signers of the petitions for the passage of the Crittenden compromise.

Hon. Wm. E. Niblack, member of Congress from Indiana, had been confirmed chief justice of Nebraska.

The motion to take up the nomination of Judges Black and Petit was rejected in the Senate by three majority.

The resignation of Capt. Tatnall, of Georgia, had been accepted.

A special agent had been sent to take charge of the Galveston (Texas) Post Office.

The administration had been advised that agents were in the north purchasing steamers for the Southern Confederacy.

The Democratic State Convention at Philadelphia, on the 22d, unanimously adopted a series of resolutions for the State sovereignty and union, the rights of the South in the Territories, &c. A committee was appointed to convey the resolutions to the President.

The bids for the eight million loans were opened by the Secretary of the Treasury on the 23d. There was about 106 bids, and the average amount offered was a fraction over 90 cents on the dollar.

Dr. Loring, of Massachusetts, had declined the Sardinian mission.

Vice-President Hamlin had visited the Senate, and was cordially received.

A man named Gibson, without any known provocation, had attacked three men in Cardondale, Pa., with a bowie knife. One was instantly killed, another fatally stabbed, and the third dangerously wounded.

Young Armstrong was sentenced to be hung in Philadelphia for the murder of Robert Crawford.

At North Bridgewater, a man named O'Brien had cut his wife's throat and attempted to shoot himself.

A man and woman tried to kill themselves by taking laudanum in the City Hotel, New York—a mysterious case.

Rumors of warlike dispatches from the South were in circulation. The South are looking to the bayonet as the final arbiter of the dispute.

The returns from Arkansas are reported favorable to holding a convention: Secession delegates in the majority.

The Indians had attacked and caused a temporary interruption to the overland mail. A driver had been killed and considerable stock run off.

FOREIGN.

In the House of Lords, Lord Derby, in alluding to the Queen's speech, said the allusion to the United States was the most important topic. Every one viewed with the deepest regret the events of that country, on which the manufacturing interests of England so greatly depended. He condemned the course of Sardinia in Italy, and expressed dissatisfaction at Napoleon's speech.

Granville responded, deeply lamenting the disruption in America, but felt confident that the results to England would not be so serious, as the resources of India for cotton would be at once brought into play.

Foreign relations, particularly with France, were said to be most satisfactory.

Lord John Russell's speech was regarded in Paris as warlike.

Blenheim Palace, the seat of the Duke of Marlborough had been damaged by fire to the amount of £100,000. Valuable pictures destroyed, palace not much damaged.

It is said that the Conference on Syria will assemble at Paris forthwith.

England had been invited by France to stop Garibaldi's career, but declined on the plea that the Neapolitans ought to be left to settle matters themselves.

The besiegers at Gaeta had blown up three powder magazines, and destroyed the side curtain of the citadel. The garrison had asked an armistice of two days to bury the dead. The Sardinian general had sent them the necessaries for the wounded.

LATEST TELEGRAPHIC

BY PONY.

[The Pony arrived this morning at 11 o'clock, one day later from Kearney than that of yesterday, and bringing Washington dates of the 26th ult. We give the dispatch verbatim.]

St. Louis, Feb. 26, p.m.

In the Senate to-day the Miscellaneous Appropriation Bill was passed.

On motion of Mr. Lane, a Committee of Conference was appointed on the Oregon Debt Bill.

The Senate concurred in the House amendment to the Colorado Territorial Bill.

The bill to organize the Territorial government of Nevada, was passed; also the Dacotah Territorial bill.

A Committee of Conference was appointed on the Tariff bill. Adjourned.

In the House the Staunton Military Bill was debated, but no vote had at the closing of the report.

A Baltimore Telegram, dated Feb. 25, says, a letter from a Southern member of the Peace Conference to the *American*, says peace will be preserved and the Union restored. The results on all points of controversy will be satisfactory to the mass. We shall probably close our labors on Tuesday.

The Charleston *Courier* says Fort Sumter breathed forth its saucy salute of 34 guns on Washington's birth-day.

The regular Washington despatch of the 25th, says the Peace Convention has been in session all day. The debate was the most spirited which has yet occurred. Guthrie and some of his friends became so much offended that they left the hall, and signified their intention not to go back. The Convention at one time was very near breaking up, but better counsels prevailed. Guthrie subsequently returned, and business proceeded.

The following appears under date of Feb. 26: the Peace Conference was in session until two o'clock this morning. The spirited debate previously commenced, continued, and, during the night proceedings, many, if not all, the amendments were voted down, leaving substantially Mr. Guthrie's proposition, with modified verbiage. This was in Committee of the whole, but it will be voted on definitely to-day.

Washington, Feb. 25.

Despite exciting rumors brought to the city last night, Mr. Lincoln slept and rested well.

To-day President Buchanan, Mr. Stanton, and other prominent Democrats called on him.

Lord Lyons and the Ministers from France, Russia, Prussia, Spain, and elsewhere left their cards with Mr. Lincoln, as did also the Secretaries of various legations.

Gen. Scott, Seward, and several prominent representatives and senators, were closeted with him this morning concerning the ceremonies connected with the inauguration.

At a general levee given by Mr. Lincoln, several hundred gentlemen from all sections of the country paid their respects to him.

This afternoon he visited the Senate and House of Representatives.

Mr. Wood, manager of the presidential trip, called to report this morning to Gen. Scott. The general told him that everything had been done as it should have been—that he approved of every step; and Mr. Lincoln did exactly right when he left Harrisburg, and came through via Baltimore, information before the proper authorities tending to prove that an organized band of 500 men have sworn that Mr. Lincoln shall never sleep in the White House. A detective, who joined them, says the plan is as follows: The entire band are to occupy a position as near the President on inauguration day as they can obtain; one of their number, standing in the centre of them, is to shoot Mr. Lincoln with an air-gun, when the crowd of men around the assassin will so hid him as to render detection impossible.

Further details may be obtained to-night, though for many reasons it is deemed advisable to withhold definite information.

A document was handed to Mr. Lincoln to-day, signed by a majority of the State Senate, headed by the Lieut.-Governor, recommending Mr. Colfax for postmaster general. Mr. Lincoln observed that this was very strong, and there seemed a very general desire in many parts of the country that Mr. Colfax should have the position indicated.

The most reliable parts of the construction of Mr. Lincoln's Cabinet is—Seward, Secretary of State; Bates, Attorney General; Gilmer, of North Carolina, Navy; C. B. Smith, Interior; Welles, Postmaster General; Cameron, Treasury.

Dispatches to government report a large expedition leaving Galveston for the Rio Grande, consisting of six companies from Galveston and Houston, and two from the interior. The object is declared to be protection to the frontier, in the event of United States troops being withdrawn. Col. Forney, an old ranger, commands the regiment.

It is presumed in army circles, that Col. E. V. Sumner will be promoted to the commission dishonored and abandoned by Gen'l. Twiggs. Government seems to have made more than one effort to get possession of the bullion fund in the New Orleans mint.

Postmaster General King on the 19th, drew on Guriot, the assistant treasurer of Louisiana, for three hundred thousand dollars; but his draft, like that of Secretary Dix, was dishonored.

Washington, Feb. 26.

A dispatch was received yesterday by the Secretary of War, from the Commissary of subsistence, and dated at New Orleans, confirming previous reports that Gen'l. Twiggs had surrendered to Texas all the military property of the United States. He adds that as a loan, the use of the government means of transportation was allowed to take the Federal troops to the seaboard, and they were permitted to take with them three or four cannon and their side arms.

The Secretary received this morning the documents from Texas, showing that as early as the seventh of February, General Twiggs was entering into negotiations with the Texans for the surrender of the military property.

Col. Waite was several weeks ago appointed to succeed General Twiggs as chief of the military department of Texas, but it appears he had not reached there at the time of Gen'l. Twiggs' surrender, which is considered by government authorities as one of the most disgraceful and atrocious acts committed by the secessionists.

Montgomery, Feb. 25.

A resolution was adopted in Congress, instructing the committee to inquire into the present condition of the public funds.

The committee on permanent constitution will report Wednesday.

The following are the appointments:—Postmaster General, Henry P. Ulett; Attorney General, J. B. Benjamin; Commissioners to Washington, A. B. Roman, M. A. Crawford, John Forsyth.

It is rumored that Mallory will be secretary of the navy.

Raleigh, Feb. 26.

The legislature adjourned yesterday morning. There is some talk of an extra session, if the events of the next two weeks are unfavorable for the compromise.

Richmond, Feb. 25.

The convention re-assembled to-day. Mr. Moore offered resolutions demanding security against further wrongs, opposing the African slave trade, opposing direct taxation, approving the Crittenden resolutions, declaring that if such or a similar compromise is not adopted Virginia will be ready to enter into a compact with such States as will agree to such compromise, and forming a new Confederacy excluding all disagreeing States: referred. Mr. Moore advocated his proposition, and was replied to by Mr. Good, favoring secession, causing considerable excitement in the galleries, which were cleared, and the convention adjourned.

Richmond, Feb. 26.

A strong speech was made in the convention yesterday by Mr. Moore, of Rockbridge, in Letchere District, the substance of which was inimical to the rights of Virginia and the whole South and the people of Richmond; it was decidedly union in its tendency and strongly against the action of South Carolina. The secessionists posted bills, calling every true Southerner to attend an indignation meeting; music was engaged, 1,500 persons assembled near the Exchange Hotel, and strong Southern speeches were made by delegates to the convention. Ex-Governor Wise was called for, but was unwell. The meeting adjourned to the Spotwood House, where, after more speeches, there was an attempt to burn Moore in effigy, but it was stopped by the mayor. The whole decided secession demonstration was got up by parties in the negro buying and selling interest.

Fort Smith, Feb. 26

The difficulty to the overland mail occurred at Apache Pass, 850 miles south of Elpaso. A tribe of Indians fired on the mail coach, killing the driver. They seized the stock, grain, and mails, and broke up the station. Another stage arrived here to-day, bringing passengers: they report Apacha Pass being protected by a company of 150 dragoons, and the stage came along unmolested.

LIST OF AGENTS.

GENERAL AGENT FOR THE EASTERN STATES.
Hon. W. H. Hooper.

GENERAL AGENT FOR CALIFORNIA.
Dwight Eveleth, Esq.

GENERAL AGENTS FOR CACHE COUNTY.
Seth M. Blair, Esq., and Judge Peter Maughan

GENERAL AGENT FOR GREEN RIVER COUNTY.
Judge William Carter.

GENERAL AGENT FOR THE CALIFORNIA AND SALT LAKE MAIL ROUTE.
Major Howard Egan.

WASHINGTON COUNTY.

Santa Clara, Jacob Hamblin; Toquerville, Joshua T. Willes; Virgen City and Grafton, Sixtus E. Johnson; Washington, J. D. McCullough.

IRON COUNTY.

Cedar City, Richard V. Morris; Parowan, James Lewis; Paragoonah, Marius Ensign; Summit Creek, Seth Johnson.

BEAVER COUNTY.

Beaver, Judge D. M. Thomas; Minersville, Jas. H. Rollins.

MILLARD COUNTY.

Fillmore, Jno. A. Ray; Cedar Springs, Levi Savage, jun.

SAN PETE COUNTY.

Manti, Geo. Peacock; Fort Ephraim, H. F. Peterson; Mount Pleasant, Wm. Morrison; Moroni, G. W. Bradley; Fountain Green, G. W. Johnson; Spring Town, R. N. Allred; North Bend, Jas. N. Jones.

JUAB COUNTY.

Nephi, T. B. Foote; Willow Creek, John Couch.

CEDAR COUNTY.

Camp Floyd and Fairfield, Messrs. Walker Bros.; Cedar Fort, J. Rodeback.

UTAH COUNTY.

Goshen, Wm. Price; Santaquin, Wm. McBride; Payson, J. T. Hardy, and Sabin, Beebe & Co.; Pondtown, H. B. M. Jolley; Spanish Fork, S. R. Wells; Springville, A. Johnson; Provo, Wm. Miller and H. H. Cluff; Pleasant Grove, W. G. Sterrett; American Fork, L. E. Harrington; Lehi, Lorenzo Hatch; Alpine City, J. W. Vance.

GREAT SALT LAKE COUNTY.

Gardner's Mills, D. R. Allen; Drapersville, G. Spilsbury; Union, D. S. Clements; Mormon, Ezekiel Lee; Big Cottonwood, D. Brinton; Mill Creek, Franklin Neff; West Mill Creek, William Parks; Taylorsville, S. Bennion; Sugar House Ward, G. Stringham; South Cottonwood, A. Cahoon and Jos. Hammond; Fort Herriman, J. J. Stocking.

TOOELE COUNTY.

Tooele City, Eli B. Kelsey; Grantsville, A. C. Brower; E. T. City, Geo. Bryan.

SHAMBIP COUNTY.

Rush Valley, Robert Miller.

DAVIS COUNTY.

Bountiful, W. S. Muir; Centerville, William Reeves; Farmington, Lot Smith and Jas. Leithead; Kaysville, C. Layton.

WEBER COUNTY.

Ogden, Geo. C. W. West; North Ogden, Thos Dunn; East Weber, T. J. Osborne; South Weber, Ed. Cook.

BOX ELDER COUNTY.

Brigham City, S. Smith; North Willow Creek, T. B. Hawkins.

WEEKLY ALMANAC.

MARCH, 1861.

New Moon, 11d. 6h. 10m., a.m.

DAY OF MONTH	DAY OF WEEK.	SUN RISES. H. M.	SUN SETS. H. M.	SUN SLOW. MIN. SEC.	MOON RISES. H. M.	MOON'S PLACE.
10	*Sun.*	6 20	6 1	10 22	6 0	legs
11	*Mon.*	6 19	6 2	10 7	Sets.	feet
12	*Tues.*	6 17	6 3	9 50	7 20	feet
13	*Wed*	6 16	6 4	9 33	8 20	head
14	*Thu.*	6 14	6 5	9 18	9 21	head
15	*Fri.*	6 12	6 7	9 0	10 25	head
16	*Sat.*	6 11	6 8	8 41	11 27	neck

PHENOMENA, &c.

March 12—♂ rises 8h. 28m.
March 14—♂ ☌ ☽
March 16—♃ south 9h. 45m.

Advertisements.

NOTICE.

CAME into my inclosure, about the first of January last, two Steer CALVES; one a bright red, with a little white at the end of the tail, crop from each ear. The other a pale red, lined back, white head and belly, and legs up to gambrels. The owner is requested to prove property, and promise to pay charges, and take them away.
DANIEL SPENCER.
G. S. L. City, Feb. 26. 22-2t

MACHINERY.

HAVING been requested by several eastern firms to act as agents for the sale of their Machinery in this Territory, we are prepared to give all information necessary concerning weights and prices free of charge.

Plans and estimates for mills furnished.

All kinds of millwork, also small iron machinery, built to order by contract.

WM. J. SILVER,
J. FORBES.
East side of 10th Ward, G. S. L. City. 22-6t

ATTENTION,

MERCHANTS TRADERS AND FARMERS.

TO RENT, TWO GRIST MILLS

THAT are visited every day by the citizens of Lehi, Cedar County, Camp Floyd, American Fork, Battle Creek, Mountainville, Goshen and the adjoining settlements. The buildings are large, commodious and safe for the storage of Merchandize; and for the sale of Goods, their situation is not to be surpassed.

The rents will be reduced liberally.

Merchants, Traders or Farmers would do well to give me a call, or refer to the MOUNTAINEER Office.
SAMUEL MULLINER.
American Fork, Feb. 23, 1861. 21-tf

FOR SALE,

A ONE Acre City LOT, with all the improvements thereon, situate west of the Public Square, Springville. The improvements consist of two Adobie Houses, each 16 ft. 30 ft.; a good Kitchen, an excellent well of water, three tan vats, a new still (it has only been used about two months), with suitable utensils. The lot is enclosed by itself, and has a number of fruit trees upon it.

The proprietor also wishes to sell ten acres of Pasture and ten acres of Meadow Land. The whole concern can be had very cheap for cash, cattle and grain.

Apply to Mr. Samuel Grange, Springville, Utah county, or to J. V. Long. 21-3t

JAMES HAGUE,

GUN AND LOCK SMITH.

[SHOP IN EAST TEMPLE STREET.]

RIFLES, Shot Guns, Revolving Pistols, &c, carefully cleaned, repaired and put in order.
Mexican Spurs made to order and always on hand.
☞ Call and see me. 1-tf

WOODMANSEE & BROS.

HAVING recently purchased a NEW and WELL-ASSORTED STOCK of

GOODS,

have them opened and now offered for sale in the House lately occupied by

HORD & DICKSON,

Situated on the East side of East Temple Street, G. S. L. City.

Their Stock consists of a fine assortment of Prints of the latest style, Lawns, Jaconetts, Delaines, Flannels, bleached and unbleached Muslin, Hosiery, Cotton Yarn, Satinettes, Jeans, Cottonades, Cassimeres, Ready-made Clothing, Hats, Boots and Shoes; Sugar, Tea, Coffee, Tobacco, Soaps, Dye Stuffs, Powder and Lead. Also, a fine assortment of Liquors, including a superior article of Bourbon Whisky, Bottled Brandies, Old Rye, and other liquors, with a variety of Fancy Notions. In fact, a complete assortment of everything suitable to the wants and demands of the Utah market.

NOTICE.

We have also on hand and for sale, a substantial stock of Goods at OGDEN, at J. J. Terrell's Old Stand.

TERMS, CASH.

A few yoke of good work oxen would be taken in exchange for our goods.

Give us a call. No trouble to show goods.
1-tf

AUCTION SALE OF HORSE & MULE SHOES.

WILL be SOLD, at FORT CRITTENDEN, U. T., on WEDNESDAY, the 20th instant, at 10 o'clock, a.m.,

10,000 MULE SHOES,
AND
10,000 HORSE SHOES

From the Manufactory of Messrs. BURDON & SONS, TROY, N. Y.

ALSO,

A LARGE AMOUNT
OF
CONDEMNED STORES,

Consisting in part of the following articles:

Axes.
Spades.
Hay and Stable Forks.
Military Equipments.
Water Kegs.
Wagon and Ox Bows.
Ox Yokes.
Straw Cutters.
Camp Equipments.
Gunny Bags.
Saddle Blankets.
Riding, Pack and Wagon Saddles.
Blacksmith's, Carpenter's, Wheelwright's, and Saddler's Tools.
Grindstones.
Rope.
Jack Screws, &c. &c.

TERMS CASH.
R. E. CLARY, A. Q. M.
Fort Crittenden, U. T.,
March 4, 1861. 23-3t

CHARLES KING,

WAGON AND CARRIAGE MAKER,
CARPENTER AND HOUSE JOINER,
EMIGRATION STREET.
REPAIRS promptly executed. Give me a call. 1-tf

SAVE YOUR PAPER RAGS.

THE inhabitants of Utah are requested to gather up and save their worn out wagon covers, and every description of cotton and linen rags for paper making, and deliver them, from time to time, to the Bishops of the severa Wards, or the *News* and MOUNTAINEER Offices or their agents, for which, when clean, they will be allowed five cents a pound. The rags can be sufficiently cleansed in pure water, without soap.

It is expected that, in a few months, all who wish can receive paper in exchange for rags.
EDWARD HUNTER, Presiding Bishop.
1-tf

Just Published, Price 5 cents,

THE MOUNTAINEER CALENDAR For 1861.

THE Calendar gives the day of the month and week, together with the changes of the moon, &c. No person able to read ought to be without a copy. Price to Agents, $3 per 100.

HUGH MOON

RESPECTFULLY acquaints the Public that his business will close on the 15th of March inst., and requires all parties indebted to him to come forward and settle immediately, and all having claims against him to present them. 22-2t

NOTICE.

MESSRS. HOUTZ & BRINGHURST beg to inform the public that they have a large and excellent assortment of DRY GOODS and GROCERIES, of every description, at their establishment in Springville, which they will exchange for Wheat and Cattle, allowing the highest market price. They have also a large quantity of Wool, which they will exchange for wheat or cash. Call and see us at the Houtz & Co.'s Mill. a3-tf

GLOBE BAKERY,

Next door north of Livingston, Bell & Co.'s Store.

RICHARD GOLIGHTLY

BEGS most respectfully to thank his friends and the public generally for past patronage, and solicits an inspection of his present stock of Crackers, &c., of the different kinds of which, viz., Milk Crackers, Butter Crackers, Boston Crackers and Hard Bread, he has a large quantity always on hand, so that emigrants and others can be supplied with a choice stock of the staff of life, manufactured of the best material, and at moderate prices, at a moment's notice.

FINE LIGHT BREAD

Hot at 5 p.m. every day. Pound Cakes, Wedding Cakes, Sugar Crackers, Cakes, Buns, Abernethy, wine, anti-dyspeptic and soda Crackers made to order on short notice.

Rye Bread three times a week. 1-tf

WANTED,

AT my FURNITURE SHOP,
2500 feet 4 by 4 Scantling.
2500 feet 3 by 4 Scantling.
5000 " 2 inch Plank.
2000 " 1½ " "
2500 " 1¼ " "
5000 " 1 " "

Also, a Lot of Red Pine and Quaking Asp Timber for Chairs.

A large quantity of Furniture constantly on hand.

Call and see. 1-tf J. C. LITTLE.

HATTING.

THE subscriber hereby gives notice to the public that he has resumed the above business at his old stand in the 17th Ward, G. S. L City, one block north of Temple Block.

WANTED,

All kinds of furs, for which a liberal price will be paid; also Saxony sheep and lamb's wool, fire wood, &c.
1-tf JOSEPH L. HEYWOOD.

WEST AND HAMMOND,

Manufacturers of Leather, Boots, Shoes, Harness, Saddles, &c., Ogden City.

THEY are prepared to fill orders in their line, at short notice. Produce, Bark and Oil taken in exchange. A liberal price paid for Hides in the articles manufactured in the establishment or in store pay. 12-tf

B. G. ERICSEN

BEGS leave to state to his friends and the public in general, that he has removed his

Tailor's Shop,

to the next door south of Billan, the Watchmaker, in Main St., at which place he will be most happy to attend to all business in his line.

All who patronize him may expect prompt attention and work of the finest finish. Having been professionally engaged in several of the capitals of Europe, he considers himself capable of executing work in the latest style of fashion.

All kinds of clothing cleaned. Stains, grease spots, &c., removed; and old garments made to appear nearly equal to new.

Cutting done on reasonable terms.

A large quantity of heavy cloth always on hand.

Buckskins wanted immediately. a4-tf

LOOK OUT FOR SPARKS.

YE who own a Horse,
Take notice: winter is now here, of course;
And if you'd have your stallion safely go
Through mud, and frost, and snow,
Then get him shod at once all round,
At my own shop where I am found—
From early dawn till late twilight,
Shoeing horses with all my might.
Yes, get him shod at once, as I can do it,
And you and horse will never rue it.

The thorough instructions the Subscriber has received from two of the most celebrated veterinary surgeons of Edinburgh, together with forty-five years' experience, warrants him not to be inferior to any workman in the Territory. He may always be found at the old stand in Groesbeck's buildings, east of the Post Office, at the sign of the BIG SHOE. Work will be done on the shortest notice at reasonable terms for cash, store pay or produce.
13-tf JAMES RICHARDSON.

Fresh Arrivals! FRESH ARRIVALS!!

GOODS! GOODS!
GOODS,
Cheaper, Still Cheaper!

IN GREAT VARIETY, STYLE, AND BEAUTY,

UNSURPASSED BY ANY,
AT
WALKER BROTHERS',
East Temple Street, G. S. L. City,
AND
Main St., Fairfield, Camp Floyd.

☞ The attention of Country Dealers particularly solicited. 1-tf

NEW GOODS! NEW GOODS!!

SIGN OF BIG

T

Hooper, Eldredge & Co.

HAVE received and are NOW OPENING a Magnificent Assortment of

NEW, FRESH & BEAUTIFUL
GOODS,
Consisting in part of
Ladies' and Gents' Dress Goods;
STAPLE AND DOMESTIC
DRY GOODS,
Well selected
GROCERIES,
HARDWARE & QUEENSWARE,
Glass, Nails, Paints, Oils,
VARNISH AND PUTTY.
ALSO,
A Complete and Well-Selected Stock of
LADIES', GIRLS' & INFANTS' BOOTEES & SHOES;
GENTS' BOOTS, SHOES & GAITERS, HATS, ETC.

Dress Trimmings, Bonnet Ribbons, Hosiery, Gloves, and a full stock of Notions, &c.

They are determined to SELL THEM
Low for Cash or Ready Pay,
and will take pleasure in showing them. Please call and see us.

☞ Remember the Sign of the Big T.
G. S. L. City, Oct. 1, 1860. 1-tf

W. I. APPLEBY,

Attorney and Counsellor at Law,

WILL practice in all the Courts of Utah. Collection of Debts attended to. Powers of Attorney for the States and Europe, Deeds, Leases, Agreements, Indian claims, naturalization papers, &c., legally drawn up. Terms liberal.

Office—Townsend's Salt Lake House, East Temple Street, G. S. L. City. 4tf

E. MARTIN,

CARRIAGE, SIGN, ORNAMENTAL AND HOUSE
PAINTER,
GILDER, &c.

ALL kinds of GRAINING and MARBLING neatly executed.

PUTTY,

Paints, Oil, Varnishes, Japan, &c., &c., for sale by retail

THE BEST
PAINT SHOP,
IN THE TERRITORY,

In rear of DAFT'S STORE, East Temple Street. 1-tf

NEW ARRIVALS FROM THE EAST, At Livingston, Bell & Co.'s.

LIVINGSTON, BELL & CO. would respectfully tender thanks to their many friends & patrons for past favors, while they have again to announce the arrival, within a few days, of two trains of 60 Waggons, loaded with a very large and superior selection of

NEW GOODS.

FURTHER REDUCTIONS IN PRICES

May be expected on many items independent of the supply or demand in market. We invite an early call to examine our stock.

A full assortment of citizen's as well as Sutler's Goods kept at our store in CAMP FLOYD, where, as well as in Salt Lake City, Country Dealers can be supplied at wholesale, on liberal terms.

Fifty Eight Chicago Waggons and several hundred head of superior work Oxen also for sale.
1-tf LIVINGSTON, BELL & CO.

STAINES, NEEDHAM & CO.

WE, the undersigned, having received from the EASTERN STATES

A CHOICE ASSORTMENT
OF
DRY
GOODS,
GROCERIES,
HARDWARE,
PAINTS, OILS, GLASS,
STATIONERY,
CROCKERY WARE,
And Notions;

And in addition thereto having purchased the entire Stock of Messrs. HOCKADAY & BURR, we are prepared to TRADE for

CASH, CATTLE, WHEAT OR FLOUR,

on reasonable terms.
STAINES, NEEDHAM & CO.
G. S. L. City, Aug. 28, 1860. a1-tf

THE MOUNTAINEER BOOK AND JOB PRINTING OFFICE,

Basement Story of the Council House,
CORNER OF SOUTH AND EAST TEMPLE STREETS,
GREAT SALT LAKE CITY.

HAVING lately received a new selection of JOB TYPE of the newest and most approved style, we are now enabled to do all description of work upon the shortest notice and in a superior style.

HANDBILLS, POSTERS,
Blanks, Checks, Receipts, Cards, &c. &c.,
Executed to order, at fair Prices.

HURRAH FOR CACHE VALLEY! FOR SALE.

THE fourth claim that was taken up in Richmond, Cache Valley, last spring, within 80 rods of said city, containing 20 Acres, all well broke and fenced, with a good spring of water on the same. For sale or exchange for stock on reasonable terms. Enquire of
22-3t ALFRED LEE, 19th Ward.

[BY AUTHORITY.]

Treaties.

CONVENTION WITH BELGIUM.

Convention between the United States of America and His Majesty the King of the Belgians. Concluded at Washington, July 17, 1858. Ratified, April 13, 1859. Ratifications exchanged, April 16, 1859. Proclaimed by the President of the United States, April 19, 1859.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Whereas a convention between the United States of America and his Majesty the King of the Belgians was concluded and signed by their respective plenipotentiaries at Washington, on the 17th day of July last, which convention, being in the English and French languages, is word for word as follows:

The United States of America on the one part, and his Majesty the King of the Belgians on the other part, wishing to regulate in a formal manner their reciprocal relations of commerce and navigation, and further to strengthen, through the development of their interests, respectively, the bonds of friendship and good understanding so happily established between the governments and people of the two countries; and desiring with this view to conclude, by common agreement, a treaty establishing conditions equally advantageous to the commerce and navigation of both States, have to that effect appointed as their plenipotentiaries, namely: The President of the United States, Lewis Cass, Secretary of State of the United States, and his Majesty the King of the Belgians, Mr. Henri Bosch Spencer, decorated with the Cross of Iron, Chevalier of the Order of Leopold, Chevalier of the Polar Star, his Charge d'Affaires in the United States, who, after having communicated to each other their full powers, ascertained to be in good and proper form, have agreed to and concluded the following articles:—

ARTICLE I.

There shall be full and entire freedom of commerce and navigation between the inhabitants of the two countries, and the same security and protection which is enjoyed by the citizens or subjects of each country shall be guarantied on both sides. The said inhabitants, whether established or temporarily residing within any ports, cities, or places whatever of the two countries, shall not, on account of their commerce or industry, pay any other or higher duties, taxes, or imposts than those which shall be levied on citizens or subjects of the country in which they may be; and the privileges, immunities, and other favors, with regard to commerce or industry, enjoyed by the citizens or subjects of one of the two States, shall be common to those of the other.

ARTICLE II.

Belgian vessels, whether coming from a Belgian or a foreign port, shall not pay, either on entering or leaving the ports of the United States, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage, or generally other charges whatsoever, than are required from vessels of the United States in similar cases. This provision extends not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations, or any other division or jurisdiction, whatever may be its designation.

ARTICLE III.

Reciprocally, vessels of the United States, whether coming from a port of said States or from a foreign port, shall not pay, either on entering or leaving the ports of Belgium, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light houses, clearance, brokerage, or generally other charges whatever, than are required from Belgian vessels in similar cases. This provision extends not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations, or any other division or jurisdiction, whatever may be its designation.

ARTICLE IV.

Steam-vessels of the United States and of Belgium, engaged in regular navigation between the United States and Belgium, shall be exempt in both countries from the payment of duties of tonnage, anchorage, buoys, and light-houses.

ARTICLE V.

As regards the coasting-trade between the ports of either country, the vessels of the two nations shall be treated on both sides on the same footing with the vessels of the most favored nations.

ARTICLE VI.

Objects of any kind soever introduced into the ports of either of the two States under the flag of the other, whatever may be their origin and from what country soever the importation thereof may have been made, shall not pay other or higher entrance duties, nor shall be subjected to other charges or restrictions, than they would pay, or be subjected to, were they imported under the national flag.

ARTICLE VII.

Articles of every description exported by Belgian vessels, or by those of the United States of America, from the ports of either country to any country whatsoever, shall be subjected to no other duties or formalities than such as are required for exportation under the flag of the country where the shipment is made.

ARTICLE VIII.

All premiums, drawbacks, or other favors of like nature, which may be allowed in the States of either of the contracting parties upon goods imported or exported in national vessels, shall be likewise, and in the same manner, allowed upon goods imported directly from one of the two countries by its vessels into the other, or exported from one of the two countries by the vessels of the other to any destination whatsoever.

ARTICLE IX.

The preceding article is, however, not to apply to the importation of salt, and of the produce of the national fisheries; each of the two parties reserving to itself the faculty of granting special privileges for the importation of those articles under its own flag.

ARTICLE X.

The high contracting parties agree to consider and to treat as Belgian vessels, and as vessels of the United States, all those which being provided by the competent authority with a passport, sea letter, or any other sufficient document, shall be recognized, conformably with existing laws, as national vessels in the country to which they respectively belong.

ARTICLE XI.

Belgian vessels and those of the United States may, conformably with the laws of the two countries, retain on board, in the ports of both, such parts of their cargoes as may be destined for a foreign country; and such parts shall not be subjected, either while they remain on board or upon re-exportation, to any charges whatsoever, other than those for the prevention of smuggling.

ARTICLE XII.

During the period allowed by the laws of the two countries respectively for the warehousing of goods, no duties other than those of watch and storage, shall be levied upon articles brought from either country into the other while awaiting transit, re-exportation, or entry for consumption. Such goods shall in no case be subject to higher warehouse-charges, or to other formalities, than if they had been imported under the flag of the country.

ARTICLE XIII.

In all that relates to duties of customs and navigation, the two high contracting parties promise, reciprocally, not to grant any favor, privilege, or immunity to any other State which shall not instantly become common to the citizens and subjects of both parties respectively; gratuitously, if the concession of favor to such other State is gratuitous, and on allowing the same compensation, or its equivalent, if the concession is conditional.

Neither of the contracting parties shall lay upon goods proceeding from the soil or the industry of the other party, which may be imported into its ports, any other or higher duties of importation or re-exportation than are laid upon the importation or re-exportation of similar goods coming from any other foreign country.

ARTICLE XIV.

In cases of shipwreck, damages at sea, or forced putting in, each party shall afford to the vessels of the other, whether belonging to the State or to individuals, the same assistance and protection, and the same immunities, which would have been granted to its own vessels in similar cases.

ARTICLE XV.

It is moreover agreed between the two contracting parties, that the consuls and vice consuls of the United States in the ports of Belgium, and reciprocally, the consuls and vice-consuls of Belgium in the ports of the United States, shall continue to enjoy all the privileges, protection, and assistance usually granted to them, and which may be necessary for the proper discharge of their functions. The said consuls and vice consuls may cause to be arrested and sent back, either to their vessels or to their country, such seamen as may have deserted from the vessels of their nation. To this end they shall apply in writing to the competent local authorities, and they shall prove, by exhibition of the vessel's crew list or other document, or if she shall have departed, by copy of said documents, duly certified by them, that the seamen whom they claim formed part of the said crew. Upon such demand, thus supported, the delivery of the deserters shall not be refused. They shall, moreover, receive all aid and assistance in searching for, seizing, and arresting such deserters, who shall, upon the requisition and at the expense of the consul or vice consul, be confined and kept in the prisons of the country until he shall have found an opportunity for sending them home. If, however, such an opportunity should not occur within three months after the arrest, the deserter shall be set at liberty, and shall not again be arrested for the same cause. It is, however, understood that seamen of the country in which the desertion shall occur are excepted from these provisions, unless they be naturalized citizens or subjects of the other country.

ARTICLE XVI.

Articles of all kinds, the transit of which is allowed in Belgium, coming from or going to the United States, shall be exempt from all transit duty in Belgium, when the transportation through the Belgian territory is effected on the railroads of the State.

ARTICLE XVII.

The present treaty shall be in force during ten years from the date of the exchange of the ratifications, and until the expiration of twelve months after either of the high contracting parties shall have announced to the other its intention to terminate the operation thereof; each party reserving to itself the right of making such declaration to the other at the end of the ten years above mentioned; and it is agreed that after the expiration of the twelve months of prolongation accorded on both sides, this treaty and all its stipulations shall cease to be in force.

ARTICLE XVIII.

This treaty shall be ratified, and the ratifications shall be exchanged at Washington, within the term of nine months after its date, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed the present treaty, in duplicate, and have affixed thereto their seals, at Washington, the seventeenth of July, eighteen hundred and fifty eight.

LEW. CASS, [L. S.]
H. BOSCH SPENCER. [L. S.]

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged in the city of Washington, on the 16th instant, by Lewis Cass, Secretary of State of the United States, and Henry W. T. Mali, consul-general of Belgium in the United States, on the part of their respective governments:

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, have caused the said convention to be made public; to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done in the city of Washington, this nineteenth day of April, in the year of our Lord one thousand eight hundred and fifty nine, and of the independence of the United States the eighty third.

JAMES BUCHANAN.

By the President:
LEWIS CASS, *Secretary of State.*

TREATY WITH THE EMPIRE OF JAPAN.

Treaty between the United States of America and the Empire of Japan. (Amity and Commerce) Concluded at the City of Yedo, July 29, 1858. Ratified by President of the United States, April 12, 1860. Exchanged at City of Washington May 22, 1860. Proclaimed by President of United States, May 23, 1860.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Whereas a treaty of amity and commerce between the United States and the Empire of Japan was concluded and signed by their respective plenipotentiaries at the City of Yedo, on the twenty ninth day of July, one thousand eight hundred and fifty eight, which treaty is word for word as follows:

The President of the United States of America and his Majesty the Ty-Coon of Japan, desiring to establish on firm and lasting foundations the relations of peace and friendship now happily existing between the two countries, and to secure the best interest of their respective citizens and subjects by encouraging, facilitating, and regulating their industry and trade, have resolved to conclude a treaty of amity and commerce for this purpose, and have, therefore, named as their plenipotentiaries, that is to say: The President of the United States, his excellency Townsend Harris, Consul General of the United States of America for the Empire of Japan, and his Majesty the Ty-Coon of Japan, their excellencies Ino-oo-ye, Prince of Sinano, and Iwasay, Prince of Higo, who, after having communicated to each other their respective full powers, and found them to be in good and due form, have agreed upon and concluded the following articles:—

ARTICLE I.

There shall henceforward be perpetual peace and friendship between the United States of America and his Majesty the Ty-Coon of Japan and his successors.

The President of the United States may appoint a diplomatic agent to reside at the city of Yedo, and consuls or consular agents to reside at any or all of the ports in Japan which are opened for American commerce by this treaty. The diplomatic agent and consul-general of the United States shall have the right to travel freely in any part of the empire of Japan from the time they enter on the discharge of their official duties.

The government of Japan may appoint a diplomatic agent to reside at Washington, and consuls or consular agents for any or all of the ports of the United States. The diplomatic agent and consul-general of Japan may travel freely in any part of the United States from the time they arrive in the country.

ARTICLE II.

The President of the United States, at the request of the Japanese government, will act as a friendly mediator in such matters of difference as may arise between the government of Japan and any European power.

The ships of war of the United States shall render friendly aid and assistance to such Japanese vessels as they may meet on the high seas, so far as can be done without a breach of neutrality; and all American consuls residing at ports visited by Japanese vessels shall also give them such friendly aid as may be permitted by the laws of the respective countries in which they reside.

ARTICLE III.

In addition to the ports of Simoda and Hakodade, the following ports and towns shall be opened on the dates respectively appended to them, that is to say: Kanagawa, on the (4th of July, 1859) fourth day of July, one thousand eight hundred and fifty-nine; Nagasaki, on the (4th of July, 1859) fourth day of July, one thousand eight hundred and fifty-nine; Nee-e-gata, on the (1st of January, 1860) first day of January, one thousand eight hundred and sixty; Hiogo, on the (1st of January, 1863) first day of January, one thousand eight hundred and sixty three.

If Nee-e-gata is found to be unsuitable as a harbor, another port on the west coast of Nipon shall be selected by the two governments in lieu thereof. Six months after the opening of Kanagawa the port of Simoda shall be closed as a place of residence and trade for American citizens. In all the foregoing ports and towns American citizens may permanently reside; they shall have the right to lease ground, and purchase the buildings thereon, and may erect dwellings and warehouses. But no fortification or place of military strength shall be erected under pretence of building dwelling or warehouses; and to see that this article is observed, the Japanese authorities shall have the right to inspect, from time to time, any buildings which are being erected, altered, or repaired. The place which the Americans shall occupy for their buildings, and the harbor regulations, shall be arranged by the American consul and the authorities of each place, and if they cannot agree the matter shall be referred to and settled by the American diplomatic agent and the Japanese government.

No wall, fence, or gate shall be erected by the Japanese around the place of residence of the Americans, or anything done which may prevent a free egress and ingress to the same.

From the (1st of January, 1862,) first day of January, one thousand eight hundred and sixty two, Americans shall be allowed to reside in the city of Yedo; and from the (1st of January, 1863,) first day of January, one thousand eight hundred and sixty three, in the city of Osaca, for the purposes of trade only. In each of these two cities a suitable place within which they may hire houses, and the distance they may go, shall be arranged by the American diplomatic agent and the government of Japan. Americans may freely buy from Japanese and sell to them any articles that either may have for sale, without the intervention of any Japanese officers in such purchase or sale, or in making or receiving payment for the same; and all classes of Japanese may purchase, sell, keep or use any articles sold to them by the Americans.

The Japanese government will cause this clause to be made public in every part of the empire as soon as the ratifications of this treaty shall be exchanged.

Munitions of war shall only be sold to the Japanese government and foreigners.

No rice or wheat shall be exported from Japan as cargo, but all Americans resident in Japan, and ships, for their crews and passengers, shall be furnished with sufficient supplies of the same. The Japanese government will sell, from time to time at public auction, any surplus quantity of copper that may be produced. Americans residing in Japan shall have the right to employ Japanese as servants or in any other capacity.

ARTICLE IV.

Duties shall be paid to the government of Japan on all goods landed in the country, and on all articles of Japanese production that are exported as cargo, according to the tariff hereunto appended.

If the Japanese custom-house officers are dissatisfied with the value placed on any goods by the owner, they may place a value thereon, and offer to take the goods at that valuation. If the owner refuses to accept the offer, he shall pay duty on such valuation. If the offer be accepted by the owner, the purchase-money shall be paid to him without delay, and without any abatement or discount.

Supplies for the use of the United States navy may be landed at Kanagawa, Hakodade, and Nagasaki, and stored in warehouses, in the custody of an officer of the American government, without the payment of any duty. But, if any such supplies are sold in Japan, the purchaser shall pay the proper duty to the Japanese authorities.

The importation of opium is prohibited, and any American vessel coming to Japan for the purposes of trade, having more than three (3) catties (four pounds avoirdupois) weight of opium on board, such surplus quantity shall be seized and destroyed by the Japanese authorities. All goods imported into Japan, and which have paid the duty fixed by this treaty, may be transported by the Japanese into any part of the empire without the payment of any tax, excise, or transit duty whatever.

No higher duties shall be paid by Americans on goods imported into Japan than are fixed by this treaty, nor shall any higher duties be paid by Americans than are levied on the same description of goods if imported in Japanese vessels, or the vessels of any other nation.

ARTICLE V.

All foreign coin shall be current in Japan and pass for its corresponding weight of Japanese coin of the same description. Americans and Japanese may freely use foreign or Japanese coin in making payments to each other.

As some time will elapse before the Japanese will be acquainted with the value of foreign coin, the Japanese government will, for the period of one year after the opening of each harbor, furnish the Americans with Japanese coin, in exchange for theirs, equal weights being given and no discount taken for re-coinage. Coins of all description (with the exception of Japanese copper coin) may be exported from Japan, and foreign gold and silver uncoined.

ARTICLE VI.

Americans committing offences against Japanese shall be tried in American consular courts, and when guilty shall be punished according to American law. Japanese committing offences against Americans shall be tried by the Japanese authorities and punished according to Japanese law. The consular courts shall be open to Japanese creditors, to enable them to recover their just claims against American citizens, and the Japanese courts shall in like manner be open to American citizens for the recovery of their just claims against Japanese.

All claims for forfeitures or penalties for violations of this treaty, or of the articles regulating trade which are appended hereunto, shall be sued for in the consular courts, and all recoveries shall be delivered to the Japanese authorities.

Neither the American or Japanese governments are to be held responsible for the payment of any debts contracted by their respective citizens or subjects.

ARTICLE VII.

In the opened harbors of Japan, Americans shall be free to go, where they please, within the following limits:

At Kanagawa, the River Logo, (which empties into the Bay of Yedo between Kawasaki and Sinagawa,) and (10) ten ri in any other direction.

At Hakodade, (10) ten ri in any direction.

At Hiogo, (10) ten ri in any direction, that of Kioto excepted, which city shall not be approached nearer than (10) ten ri. The crews of vessels resorting to Hiogo shall not cross the River Enagawa, which empties into the Bay between Hiogo and Osaca. The distances shall be measured inland from Goyoso, or town hall, of each of the foregoing harbors, the ri being equal to (4,275) four thousand two hundred and seventy-five yards, American measure.

At Nagasaki, Americans may go into any part of the imperial domain in its vicinity. The boundaries of Nee e gata, or the place that may be substituted for it, shall be settled by the American diplomatic agent and the government of Japan. Americans who have been convicted of felony, or twice convicted of misdemeanors, shall not go more than (1) one Japanese ri inland from the places of their respective residences, and all persons so convicted shall lose their right of permanent residence in Japan, and the Japanese authorities may require them to leave the country.

A reasonable time shall be allowed to all such persons to settle their affairs, and the American consular authority shall, after an examination into the circumstances of each case, determine the time to be allowed, but such time shall not in any case exceed one year, to be calculated from the time the person shall be free to attend to his affairs.

ARTICLE VIII.

Americans in Japan shall be allowed the free exercise of their religion, and for this purpose shall have the right to erect suitable places of worship. No injury shall be done to such buildings, nor any insult be offered to the religious worship of the Americans. American citizens shall not injure any Japanese temple or mia, or offer any insult or injury to Japanese religious ceremonies, or to the objects of their worship.

The Americans and Japanese shall not do anything that may be calculated to excite religious animosity. The government of Japan has already abolished the practice of trampling on religious emblems.

ARTICLE IX.

When requested by the American consul, the Japanese authorities will cause the arrest of all deserters and fugitives from justice, receive in jail all persons held as prisoners by the consul, and give to the consul such assistance as may be required to enable him to enforce the observance of the laws by the Americans who are on land, and to maintain order among the shipping. For all such service, and for the support of prisoners kept in confinement, the consul shall in all cases pay a just compensation.

ARTICLE X.

The Japanese government may purchase or construct, in the United States, ships of war, steamers, merchant ships, whale ships, cannon, munitions of war, and arms of all kinds, and any other things it may require. It shall have the right to engage, in the United States, scientific, naval and military men, artisans of all kinds, and mariners to enter into its service. All purchases made for the government of Japan may be exported from the United States, and all persons engaged for its service may freely depart from the United States: *Provided*, That no articles that are contraband of war shall be exported, nor any persons engaged to act in a naval or military capacity, while Japan shall be at war with any power in amity with the United States.

ARTICLE XI.

The articles for the regulation of trade, which are appended to this treaty, shall be considered as forming a part of the same, and shall be equally binding on both the contracting parties to this treaty, and on their citizens and subjects.

ARTICLE XII.

Such of the provisions of the treaty made by Commodore Perry, and signed at Kanagawa, on the 31st of March, 1854, as conflict with the provisions of this treaty are hereby revoked; and as all the provisions of a convention executed by the consul general of the United States and the governors of Simoda, on the 17th of June, 1857, are incorporated in this treaty, that convention is also revoked.

The person charged with the diplomatic relations of the United States in Japan, in conjunction with such person or persons as may be appointed for that purpose by the Japanese government, shall have power to make such rules and regulations as may be required to carry into full and complete effect the provisions of this treaty, and the provisions of the articles regulating trade appended thereunto.

ARTICLE XIII.

After the (4th of July, 1872,) fourth day of July, one thousand eight hundred and seventy two, upon the desire of either the American or Japanese governments, and on one year's notice given by either party, this treaty and such portions of the treaty of Kanagawa as remain unrevoked by this treaty, together with the regulations of trade hereunto annexed, or those that may be hereafter introduced, shall be subject to revision by commissioners appointed on both sides for this purpose, who will be empowered to decide on, and insert therein, such amendments as experience shall prove to be desirable.

ARTICLE XIV.

This treaty shall go into effect on the (4th of July, 1859,) fourth day of July, in the year of our Lord one thousand eight hundred and fifty nine, on or before which day the ratifications of the same shall be exchanged at the city of Washington; but if, from any unforeseen cause, the ratifications cannot be exchanged by that time, the treaty shall still go into effect at the date above mentioned.

The act of ratification on the part of the United States shall be verified by the signature of the President of the United States, countersigned by the Secretary of State, and sealed with the seal of the United States.

The act of ratification on the part of Japan shall be verified by the name and seal of his Majesty the Ty Coon, and by the seals and signatures of such of his high officers as he may direct.

This treaty is executed in quadruplicate, each copy being written in the English, Japanese, and Dutch languages, all the versions having the same meaning and intention, but the Dutch version shall be considered as being the original.

In witness whereof, the above-named plenipotentiaries have hereunto set their hands and seals, at the city of Yedo, this 29th day of July, in the year of our Lord one thousand eight hundred and fifty eight, and of the independence of the United States of America the eighty third, corresponding to the Japanese era, the nineteenth day of the sixth month of the fifth year of Ansei Mma.

TOWNSEND HARRIS. [SEAL]

Regulations under which American trade is to be conducted in Japan.

REGULATION FIRST.

Within (48) forty-eight hours (Sundays excepted) after the arrival of an American ship in a Japanese port, the captain or commander shall exhibit to the Japanese custom house authorities the receipt of the American consul, showing that he has deposited the ship's register and other papers, as required by the laws of the United States, at the American consulate, and he shall then make an entry of his ship, by giving a written paper, stating the name of the ship, and the name of the port from which she comes, her tonnage, the name of her captain or commander, the names of her passengers, if any, and the number of her crew, which paper shall be certified by the captain or commander to be a true statement, and shall be signed by him; he shall at the same time deposit a written manifest of his cargo, setting forth the marks and numbers of the packages and their contents, as they are described in his bills of lading, with the names of the person or persons to whom they are consigned. A list of the stores of the ship shall be added to the manifest. The captain or commander shall certify the manifest to be a true account of all the cargo and stores on board the ship, and shall sign his name to the same. If any error is discovered in the manifest, it may be corrected within (24) twenty-four hours (Sundays excepted) without the payment of any fee; but for any alteration or post entry to the manifest made after that time, a fee of ($15) fifteen dollars shall be paid. All goods not entered on the manifest shall pay double duties on being landed. Any captain or commander that shall neglect to enter his vessel at the Japanese custom-house within the time prescribed by this regulation shall pay a penalty of ($60) sixty dollars for each day that he shall so neglect to enter his ship.

REGULATION SECOND.

The Japanese government shall have the right to place custom-house officers on board of any ship in their ports (men-of war excepted.) All custom-house officers shall be treated with civility, and such reasonable accommodation shall be allotted to them as the ship affords. No goods shall be unladen from any ship between the hours of sunset and sunrise, except by special permission of the custom house authorities, and the hatches, and all other places of entrance into that part of the ship where the cargo is stowed, may be secured by Japanese officers, between the hours of sunset and sunrise, by affixing seals, locks, or other fastenings; and if any person shall, without due permission, open any entrance that has been so secured, or shall break or remove any seal, lock, or other fastening that has been affixed by the Japanese custom-house officers, every person so offending shall pay a fine of ($60) sixty dollars for each offence. Any goods that shall be discharged or attempted to be discharged from any ship, without having been duly entered at the Japanese custom-house, as hereinafter provided, shall be liable to seizure and confiscation.

Packages of goods made up with an attempt to defraud the revenue of Japan, by concealing therein articles of value which are not set forth in the invoice, shall be forfeited.

American ships that shall smuggle, or attempt to smuggle goods in any of the unopened harbors of Japan, all such goods shall be forfeited to the Japanese government, and the ship shall pay a fine of ($1,000) one thousand dollars for each offence. Vessels needing repairs may land their cargo for that purpose without the payment of duty. All goods so landed shall remain in charge of the Japanese authorities, and all just charges for storage, labor, and supervision shall be paid thereon. But if any portion of such cargo be sold, the regular duties shall be paid on the portion so disposed of. Cargo may be transhipped to another vessel in the same harbor without the payment of duty; but all transhipments shall be made under the supervision of Japanese officers, and after satisfactory proof has been given to the custom house authorities of the *bona fide* nature of the transaction, and also under a permit to be granted for that purpose by such authorities. The importation of opium being prohibited, if any person or persons shall smuggle, or attempt to smuggle, any opium, he or they shall pay a fine of ($15) fifteen dollars for each catty of opium so smuggled or attempted to be smuggled; and if more than one person shall be engaged in the offence, they shall collectively be held responsible for the payment of the foregoing penalty.

REGULATION THIRD.

The owner or consignee of any goods, who desires to land them shall make an entry of the same at the Japanese custom-house. The entry shall be in writing, and shall set forth the name of the person making the entry, and the name of the ship in which the goods were imported, and the marks, numbers, packages, and contents thereof, with the value of each package extended separately in one amount, and at the bottom of the entry shall be placed the aggregate value of all the goods contained in the entry. On each entry the owner or consignee shall certify, in writing, that the entry then presented exhibits the actual cost of the goods, and that nothing has been concealed whereby the customs of Japan would be defrauded; and the owner or consignee shall sign his name to such certificate.

The original invoice or invoices of the goods so entered shall be presented to the custom-house authorities, and shall remain in their possession until they have examined the goods contained in the entry.

The Japanese officers may examine any or all of the packages so entered, and for this purpose may take them to the custom-house, but such examination shall be without expense to the importer or injury to the goods, and after examination, the Japanese shall restore the goods to their original condition in the packages, (so far as may be practicable,) and such examination shall be made without any unreasonable delay.

If any owner or importer discovers that his goods have been damaged on the voyage of importation before such goods have been delivered to him, he may notify the custom-house authorities of such damage, and he may have the damaged goods appraised by two or more competent and disinterested persons, who, after due examination, shall make a certificate setting forth the amount per cent. of damage on each separate package, describing it by its mark and number, which certificates shall be signed by the appraisers in presence of the custom-house authorities, and the importer may attach the certificate to his entry, and make a corresponding deduction from it. But this shall not prevent the custom-house authorities from appraising the goods in the manner provided in article fourth of the treaty, to which these regulations are appended.

After the duties have been paid, the owner shall receive a permit authorizing the delivery to him of the goods, whether the same are at the custom-house or on ship-board. All goods intended to be exported shall be entered at the Japanese custom-house before they are placed on ship-board. The entry shall be in writing, and shall state the name of the ship by which the goods are to be exported, with the marks and numbers of the packages, and the quantity, description, and value of their contents. The exporter shall certify in writing that the entry is a true account of all the goods contained therein, and shall sign his name thereto. Any goods that are put on board of a ship for exportation before they have been entered at the custom-house and all packages which contain prohibited articles, shall be forfeited to the Japanese government.

No entry at the custom-house shall be required for supplies for the use of ships, their crews, and passengers, nor for the clothing, &c., of passengers.

REGULATION FOURTH.

Ships wishing to clear shall give (24) twenty four hours' notice at the custom-house, and at the end of that time they shall be entitled to their clearance; but if it be refused, the custom house authorities shall immediately inform the captain or consignee of the ship of the reasons why the clearance is refused, and they shall also give the same notice to the American consul.

Ships of war of the United States shall not be required to enter or clear at the custom-house, nor shall they be visited by Japanese custom-house or police officers. Steamers carrying the mails of the United States may enter and clear on the same day, and they shall not be required to make a manifest, except for such passengers and goods as are to be landed in Japan. But such steamers shall, in all cases, enter and clear at the custom-house.

Whale ships touching for supplies, or ships in distress, shall not be required to make a manifest of their cargo; but if they subsequently wish to trade, they shall then deposit a manifest, as required in regulation first.

The word ship, wherever it occurs in these regulations, or in the treaty to which they are attached, is to be held as meaning ship, barque, brig, schooner, sloop, or steamer.

REGULATION FIFTH.

Any person signing a false declaration or certificate with the intent to defraud the revenue of Japan shall pay a fine of ($125) one hundred and twenty-five dollars for each offence.

REGULATION SIXTH.

No tonnage duties shall be levied on American ships in the ports of Japan, but the following fees shall be paid to the Japanese custom-house authorities: For the entry of a ship ($15) fifteen dollars. For the clearance of a ship ($7) seven dollars. For each permit ($1½) one dollar and a half. For each bill of health ($1½) one dollar and a half. For any other document ($1½) one dollar and a half.

REGULATION SEVENTH.

Duties shall be paid to the Japanese government on all goods landed in the country according to the following tariff:

Class One.—All articles in this class shall be free of duty.

Gold and silver, coined or uncoined.
Wearing apparel in actual use.
Household furniture and printed books not intended for sale, but the property of persons who come to reside in Japan.

Class Two.—A duty of (5) five per cent. shall be paid on the following articles:

All articles used for the purpose of building, rigging, repairing, or fitting out of ships.
Whaling gear of all kinds.
Salted provisions of all kinds.
Bread and breadstuffs.
Living animals of all kinds.
Coals.
Timber for building houses.
Rice.
Paddy.
Steam machinery.
Zinc.
Lead.
Tin.
Raw silk.

Class Three.—A duty of (35) thirty-five per cent. shall be paid on all intoxicating liquors, whether prepared by distillation, fermentation, or in any other manner.

Class Four.—All goods not included in any of the preceding classes shall pay a duty of (20) twenty per cent.

All articles of Japanese production, which are exported as cargo, shall pay a duty of (5) five per cent., with the exception of gold and silver coin and copper in bars. (5) Five years after the opening of Kanagawa the import and export duties shall be subject to revision if the Japanese government so desires it.

TOWNSEND HARRIS. [L. S.]

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington on the 22d inst. by Lewis Cass, Secretary of State of the United States, and Simme Boozen no Kami Muragaki Awadsi no Kami, and Ogure Bungo no Kami, Envoys Extraordinary and Ministers Plenipotentiary of his Majesty the Ty-Coon of Japan, on the part of their respective governments:

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the City of Washington, this twenty-third day of May, in the year of our Lord one thousand eight hundred and sixty, and of the independence of the United States of America the eighty-fourth.

JAMES BUCHANAN.

By the President:
LEWIS CASS, Secretary of State.

CONVENTION WITH PARAGUAY.

Convention between the United States of America and the Republic of Paraguay, relating to Claims of the "United States and Paraguay Navigation Company" Concluded at Asuncion February 4, 1859. Ratified by the President of the United States March 7, 1860. Exchanged at Washington March 7, 1860. Proclaimed by President of the United States, March 12, 1860.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a convention relating to the claims of the "United States and Paraguay Navigation Company," against the Paraguayan Government, was concluded between the United States of America and the Republic of Paraguay, and was signed by their respective plenipotentiaries at Asuncion on the fourth day of February, one thousand eight hundred and fifty-nine, the original of which convention being in the English and Spanish languages is, word for word, as follows:

Special convention between the United States of America and the Republic of Paraguay, relating to the claims of the "United States and Paraguayan Navigation Company" against the Paraguayan Government.

His Excellency the President of the United States of America and His Excellency the President of the Republic of Paraguay, desiring to remove every cause that might interfere with the good understanding and harmony, for a time so unhappily interrupted, between the two nations, and now so happily restored, and which it is so much for their interest to maintain; and desiring for this purpose to come to a definite understanding, equally just and honorable to both nations, as to the mode of settling a pending question of the said claims of the "United States and Paraguay Navigation Company"—a company composed of citizens of the United States—against the government of Paraguay, have agreed to refer the same to a special and respectful commission, to be organized and regulated by the convention hereby established between the two high contracting parties; and for this purpose they have appointed and conferred full powers respectively, to wit:

His Excellency the President of the United States of America upon James B. Bowlin, a special commissioner of the said United States of America, specifically charged and empowered for this purpose; and his Excellency the President of the Republic of Paraguay upon Senor Nicolas Vasquez, Secretary of State and Minister of foreign affairs of the said Republic of Paraguay; who, after exchanging their full powers, which were found in good and proper form, agreed upon the following articles:

ARTICLE I.

The government of the Republic of Paraguay binds itself for the responsibility in favor of the "United States and Paraguay Navigation Company," which may result from the decree of commissioners, who, it is agreed, shall be appointed as follows.

ARTICLE II.

The two high contracting parties, appreciating the difficulty of agreeing upon the amount of the reclamations to which the said company may be entitled, and being convinced that a commission is the only equitable and honorable method by which the two countries can arrive at a perfect understanding thereof, hereby covenant to adjust them accordingly by a loyal commission. To determine the amount of said reclamations, it is, therefore, agreed to constitute a special commission, whose decision shall be binding in the following manner:

The government of the United States of America shall appoint one commissioner, and the government of Paraguay shall appoint another; and these two, in case of disagreement, shall appoint a third, said appointment to devolve upon a person of loyalty and impartiality, with the condition that, in case of difference between the commissioners in the choice of an umpire, the diplomatic representatives of Russia and Prussia, accredited to the Government of the United States of America, at the city of Washington, may select such umpire.

The two commissioners, named in the said manner shall meet in the city of Washington, to investigate, adjust, and determine the amount of the claims of the above-mentioned company, upon sufficient proofs of the charges and defences of the contending parties.

ARTICLE III.

The said commissioners, before entering upon their duties, shall take an oath before some judge of the United States of America that they will fairly and impartially investigate the said claims, and a just decision thereupon render, to the best of their judgment and ability.

ARTICLE IV.

The said commissioners shall assemble, within one year after the ratification of the "treaty of friendship, commerce, and navigation" this day celebrated at the city of Assumption between the two high contracting parties, at the city of Washington in the United States of America, and shall continue in session for a period not exceeding three months, within which, if they come to an agreement, their decision shall be proclaimed; and in case of disagreement, they shall proceed to the appointment of an umpire as already agreed.

ARTICLE V.

The government of Paraguay hereby binds itself to pay to the government of the United States of America, in the city of Assumption, Paraguay, thirty days after presentation to the government of the republic, the draft which that of the United States of America shall issue for the amount for which the two commissioners concurring, or by the umpire, shall declare it responsible to the said company.

ARTICLE VI.

Each of the high contracting parties shall compensate the commissioner it may appoint the sum of money he may stipulate for his services, either by instalments or at the expiration of his task. In case of the appointment of an umpire, the amount of his remuneration shall be equally borne by both contracting parties.

ARTICLE VII.

The present Convention shall be ratified within fifteen months, or earlier if possible, by the government of the United States of America and by the President of the Republic of Paraguay within twelve days from this date. The exchange of ratifications shall take place in the city of Washington.

In faith of which, and in virtue of our full powers, we have signed the present Convention in English and Spanish, and have, thereunto set our respective seals.

Done at Assumption, this fourth day of February, in the year of our Lord one thousand eight hundred and fifty-nine, being the eighty-third year of the independence of the United States of America, and the forty-seventh of that of Paraguay.

JAMES B. BOWLIN. [SEAL.]
NICOLAS VASQUEZ. [SEAL.]

And whereas the said Convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the seventh instant, by Lewis Cass, Secretary of State of the United States, and Senor Don Jose Berges, Special Commissioner of the Republic of Paraguay, on the part of their respective governments:

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, have caused the said convention to be made public, to the end that the same, and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL] Done at the City of Washington, this twelfth day of March, in the year of our Lord one thousand eight hundred and sixty, and of the independence of the United States of America the eighty-fourth.

JAMES BUCHANAN.

By the President:
LEWIS CASS, Secretary of State.

Advertisements.

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